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Wendake, Quebec
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Wendake, Quebec

---The hearing resumes on November 18, 1992 at 8:45 a.m.

(Opening prayer)

CO-CHAIR RENÉ DUSSAULT: If you please, we will begin the hearings. I would like to ask Mr. Alain Bissonnette, of the Human Rights Centre of the University of Ottawa, to come forward and make his presentation.

Good morning.

ALAIN BISSONNETTE, HUMAN RIGHTS CENTRE OF THE UNIVERSITY OF OTTAWA: Good morning.

Mr. Chairman, Commissioners, Elders, representatives and members of the Huron-Wendat Nation and the other Aboriginal nations, ladies and gentlemen, dear friends, I am very happy to be with you this morning, first and foremost in order to demonstrate the importance I give to your proceedings and secondly in order to share with you some thoughts concerning two fundamental concepts: justice and reconciliation.

In discussing these two notions, I will attempt to answer two questions that you yourselves have formulated:

[TRANSLATION] "What steps should we

> be taking to struggle against racist attitudes and build new relationships founded on justice and mutual respect?"

and

> [TRANSLATION] "How can we acknowledge, support and expand on the individual and collective efforts being made by the Aboriginal peoples to heal their wounds?"

Before coming to the heart of the matter, I wish to explain my point of view. Although, for a number of years, I have had the opportunity to meet with Aboriginal people, to stay with some of them and to work with others, in all honesty I should indicate that my knowledge remains fragmentary. As the title of a recently published work puts it so well, "Little Bit Knows Something", the little person that I am knows one or two things about the Aboriginal peoples. So I do not lay claim to any expertise concerning the Amerindian and Inuit societies. I do, however, assert my willingness to meet with their members and my commitment to initiate with them a relationship founded on mutual friendship and cooperation.

Experts or not, we must, each of us, reflect upon the social reality that encompasses us, which is always more complex than is suggested by some ideologies. In my opinion, it is essential that we assume our personal and collective responsibility to judge history and to choose today, within the limits of our freedom, a future that is consistent with our dreams, our ideals, and with what is best in us.

If I wax lyrical, do not think, nevertheless, that I am fooling myself. Fine sentiments are never a substitute for interests. And I know all too well, as Kazamayar (PH) writes, that negotiations are never what they appear to be, and that everything depends on what lies behind.

But may I be allowed for a few minutes to reflect with you on some of the conditions that are required if justice is to blossom forth and reconciliation to begin between our peoples. The French writer Charles Péguy once wrote: "[TRANSLATION] The man who seeks to remain loyal to justice must be persistently disloyal to unbridled injustice." This fine formula reminds us of how much the notion of justice is associated with the identification of a distinction or a boundary between the just and the unjust. But this distinction between what is just and what is unjust, who then can discern it, for how long, and by

what criteria?

Should it not be recognized that, to each socially and historically determined group, there corresponds a particular definition of justice? This definition is, in my opinion, a function of what each group considers essential to its identity and its reproduction.

In the particular case of the Aboriginal peoples, this is indeed the ongoing issue, whether it concerns the desire for a land of one's own or the desire to establish new relations with non-Aboriginal society, and whether it concerns the significance the people assign to their language and traditions, or their desire for self-government.

When questioned about the steps that should be taken to eliminate racism in their regard and to promote the creation of a new relationship founded on justice and mutual respect, many Aboriginal representatives reply by referring to the two-row wampum belt or the two canoes navigating side by side. These images or founding myths are generally interpreted as symbolizing the parallel development of two distinct societies, the Aboriginal society and the white society. I personally believe that it is worth extending the analysis a little further.

First comment. In both cases we are

confronting two elements of the same nature, that is, two canoes, or two rows of beads.

Second comment. These two elements remain at a constant distance from each other, like two parallel lines.

Third comment. These two elements of similar nature but at constant distance from each other are integrated within an overall plan that is common to both: the two canoes descend or ascend the same river; the two rows of beads form, with the underlying webbing, the belt itself, which was offered as a pledge of peace.

The two elements of similar nature — canoes or rows of beads — immediately evoke the presence of twins. In this case we are not told, as in most of the Amerindian myths, whether they are the descendants of a single father or of two distinct fathers, but it is indicated to us that they are integrated within an overall plan common to both.

So far the unity of the twins has been predominant. However, the relationship they establish to each other actualizes a disparity and a duality that appear infinite when analyzed in this context alone. In short, there must be added to the symbol of the parallel development of two distinct societies, in my opinion, a probable common origin and the inescapable sharing of a

common community.

I hope that this brief analysis can help us consider the whole rather than only one of its parts. That being said, I have no intention whatsoever of minimizing the importance of the dualism that is inscribed at the heart of the Amerindian imaginary. As Claude Lévi-Strauss says, it is not only in their mythology but also in their social organization that one gets a glimpse of this fundamental notion:

> [TRANSLATION] "The dualist organization is not primarily an institution. It is above all a principle of organization that may be interpreted in quite diverse and, in particular, rather far-reaching ways. When the Amerindian myths feature twins, they are quick to unmatch them by assigning to them opposite talents and characters: one is aggressive, the other peaceful; one is strong, the other weak; one is intelligent and adroit, the other stupid, clumsy or dazed."

According to Lévi-Strauss, what these

myths implicitly proclaim is that the poles between which natural phenomena and social life are ordered — heaven and earth, fire and water, high and low, near and far, Indian and non-Indian, citizen and alien, etc. — may never be twins. The spirit strives to couple them without managing to establish parity between them, because it is these differential discrepancies that set the machine of the universe in motion.

Our own founding myths have also addressed this same theme but, in contrast to Amerindian thought, in which the principle of imbalance is located within the set of twins, ancient Greece postulated harmony between the Dioscuri, which could only be unbalanced by a third personage external to the first.

The Western tradition venerates an identity constantly threatened from outside. The Amerindian tradition venerates a duality that ensures the coherence of the universe. Both conceptions are highly contemporary even today. Those who claim that coexistence does not exclude the right to be different are met with the retort that separate development can only perpetuate the most intolerable discrimination.

How can we get out of this impasse? First, it seems to me, by recognizing that the fundamental conceptions we are dealing with differ radically.

Secondly, by questioning the meaning of the relationships that may exist between them. Each tradition includes its own dreams of justice. Each values the autonomy of individuals and peoples. But to make such autonomy possible, is it not necessary to practice heteronomy, that is, to allow the other to express its fundamental originality, to welcome it, to discover it and undertake with it an adventure that brings us closer while maintaining the distance necessary for each to flourish?

War abolishes the resistance that the other represents. Peace can be built only by relying on the relentless presence of two parties who prefer sharing to exclusive appropriation, invention to the repetition of what is already known, and prosperity to the annihilation of the other.

It is often said that the boundary separating violence from peace may be guaranteed through the mediation of institutions acting as intermediaries between groups or nations that are radically opposed even if it is simply to maintain their respective identities. The invention of these institutions is, in my opinion, the task that awaits us, a task that will, I believe, enable us to begin a genuine search for reconciliation. Employed in this creative task we will no longer be victims or guilty, and, seeking to create a space that promotes the

expression of each, we shall inevitably allow ourselves to be touched by the other's memory, by his wounds and above all by his desire to go beyond.

Confronted with a disproportionate conception of the unitary principle that is characteristic of the West, Amerindian thinking displays undoubted wisdom in dissociating elements that are normally related. The conjunction may be reestablished through the introduction of intermediate terms.

Amerindian mythology has a long tradition in this regard. Did it not introduce the water between heaven and earth, the bodily ornaments between nature and culture, the funeral rites between the living and the dead, the diseases between life and death?

As for Western philosophy, while it has often sought to assimilate whatever is opposed to it as other, it has also dealt with the absolutely other by declaring it unassimilable and valorizing it because it operates an opening toward the ideal and the highest standards.

That being said, the reconciliation will never be complete, since it presupposes the elimination of all opposition. Yet historical realities teach us that such is never the case, and Amerindian wisdom makes every effort to remind us of this. Truth to tell,

it is much more likely that our only possibility is to choose between maximum opposition and minimum opposition.

In conclusion, Mr. Chairman, while my thoughts may have seemed quite remote from your practical concerns, be assured that they in no way represent a flight toward the world of abstractions. In fact, although they constitute a departure from the everyday reality, they are essentially intended to make us even more present. I dare to hope that they will assist you and your colleagues in accomplishing the onerous and delicate mission that has been entrusted to you.

Like all of those in whose steps you follow or whom you accompany in this collective project, you may be assured that, for me at least, you bear the hope of a liberatory and reconciliatory justice, like a ripe fruit that must be protected in a clay jar.

CO-CHAIR RENÉ DUSSAULT: Thank you, Mr. Bissonnette, for a presentation that certainly gets us thinking quickly this morning. As the first presentation, I think that, as you mentioned, you are dealing with fundamental concepts that are no doubt at the root of the thinking that the Commission must do, with the general public and with the Aboriginal peoples as well, concerning this celebrated, but often somewhat trite, issue of separate development.

I think you are aware that when we get into the issue of future independent Aboriginal governments, it is an issue that is extremely important, concerning which there are many questions, namely whether these governments will be ethnic, in which basically only the Aboriginal people will be able to participate.

This issue becomes particularly acute once we think and conceive of these governments possibly having a more extended territory than was the case for the last 125 years and thus possibly being in a situation to include within their territory a greater number of non-Aboriginal people. This points to the need to think about the meaning of an action such as that as well as, in my view, the questions that basically should have been there for 125 years, because it is nevertheless we, the government of Canada, who have created the system of separate developments that the reserves constitute for all intents and purposes.

So what we have to do in this case is really to do some detailed thinking about the concepts in question. Although you state that basically these are not only abstractions, it will be necessary, in terms of the Commission, of public education, of the thinking and discussion that surround this issue, to manage to do so in terms that somehow allow the broader public to

participate.

Essentially, I would like to ask you — because it is a question that we could certainly discuss for half a day and we would still be just beginning — somewhat to see concretely what your point of view is on one notion.

We were told yesterday that, for example, the Inuit, because they live in northern territories in which they are largely the majority, are heading in the direction of public governments in which everyone can participate; although it is very clear that it will be a government under the control of a new Nunavut, for example, it will be a government under Inuit control but in which everyone can participate.

So how does one bridge both this pluralism, in which it is agreed that there are some parallel things in a common context... and some points of contact that must be developed, because there are fears in many respects about that parallelism. On the other hand we are told that it is essential not only for the maintenance but for the affirmation of the Aboriginal cultures that we maintain some parallelism and a critical Aboriginal mass that will prevent the dilution of cultures and, for all practical purposes, assimilation.

ALAIN BISSONNETTE: If you don't mind,

Mr. Dussault, perhaps out of professional deformation I will speak in particular about the area of the administration of justice, basically, which is another example on which our thinking ought to be based, I think.

CO-CHAIR RENÉ DUSSAULT: That is of particular interest to us because we have the round table next week in Ottawa, and the issue is to what degree we ought to have Aboriginal justice systems separate from the general system.

ALAIN BISSONNETTE: Obviously, if I am to go the route you have proposed, which is to think about intermediate solutions that are based on the de facto maintenance of a duality, as intermediate solutions I see two possible ones; two, moreover, that are differently based.

The first one would provide — and we have already seen it in the Northwest Territories, for example — that a judge, while applying the legal rules that we are acquainted with, participates with the members of a community in making the decision concerning a person who has or has not been convicted of an offence. In this case we are faced with an intermediate solution in which someone coming from one culture becomes involved in a process that pertains to another culture.

We might also choose another solution,

likewise intermediate, but which is rather to integrate individuals of Aboriginal culture into a process that is the one we know in terms of administration of justice in our western societies.

So in both cases the solution is intermediate, but one is based on a function that has long been well known in the Amerindian tradition, and the other is based on a function that is better known in the western tradition, by basically swapping people who come from either culture.

It's only an example, but what I think might happen is that basically the different Amerindian and Inuit societies might choose either of the solutions, because they too operate on the principle of duality. Quite frequently, the Amerindian societies, although they are very closely related, have made distinctions among themselves. We need only think of the example of the Hurons in relation to the Iroquois; they belonged to the same linguistic family but there were also differences between them.

My view is that in terms of self-government in Canada we are likely to see some choices made by certain groups that will tend toward one of these intermediate solutions, and others that will tend toward the other intermediate solution, without counting the few

groups that will reject any situation of that kind. And I think we already have in mind certain groups that are well known in Quebec, which reject any such solutions and insist on the need to retain the principle of dualism. Other people in our societies — and we know them well — maintain their point of view, which is to favour a somewhat unitary type of state. So it all forms a system, in my view.

Of course, it is very difficult to come here and be very original, since many people are coming to speak to you; this is fortunate for you and for everyone, but I risk repeating what many other people have already told you. Confronted with these issues, we are confronted with diversity. There will never be a single unique solution for all Amerindian communities.

I think that when we look at the whole matter, we will find that some groups will make certain choices and others, other choices, and that by implementing them we will advance.

That may not be a very practical reply, once again, but I hope it is helpful.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Mrs. Wilson.

[English follows]

[p. 358]

CO-CHAIR RENÉ DUSSAULT: Commissioner Chartrand.

[English follows]

[p. 361]

CO-CHAIR RENÉ DUSSAULT: I think that, as I have had occasion to say, it is the beginning of a dialogue. It is a difficult question.

ALAIN BISSONNETTE: Yes.

CO-CHAIR RENÉ DUSSAULT: We will certainly have an opportunity of discussing with you again, Mr. Bissonnette.

Thank you for your presentation.

ALAIN BISSONNETTE: Thank you very much. Good-bye.

CO-CHAIR RENÉ DUSSAULT: I would now like to ask Mr. Paul Germain, of the Native Training Institute of Quebec, to come and make his presentation. Thank you.

Excuse me; in the interests of the accuracy, it is exactly the opposite, Mr. Germain Paul, not Paul Germain.

GERMAIN PAUL, NATIVE TRAINING INSTITUTE OF QUEBEC: Ladies and gentlemen, this presentation deals with two subjects: occupational training, a responsibility of Employment and Immigration Canada, and secondly, the services provided by the Aboriginal Economic Development program of Industry, Science and Technology.

First, let us talk about training.

On May 15 last, the NTIQ became the first

private Aboriginal college in Quebec. For 10 years it has specialized in occupational training for the Aboriginal community. The NTIQ is a non-profit corporation that receives no base funding from any source whatever.

Until this year our organization has annually provided three or four long-term occupational training programs to groups of 15 students. The training was designed to develop Aboriginal human resources to fill positions in a number of fields:

- in the social policy field, the staff for five alcohol and drug abuse treatment centres that were built and are operated by the Department of National Health and Welfare; staff for shelters for abused women; persons administering social assistance in the communities; persons working in the field of prevention, etc.;

- in the management field, for community project and program administrators, or managers of agencies; for managers of development corporations or local or tribal community economic development agencies;

- in the field of entrepreneurship, for persons seeking to start up a business or already in business and hoping to consolidate their business.

Our objective is not to provide a list of all the training programs provided by the Institute,

but rather to demonstrate to you that these training needs could not have been met locally. Indeed, there is not one band or community that could justify the initiation of training groups of 15 people when only one person is needed for the community.

So there must be a mechanism to conduct such training in order to meet the unitary training needs of the communities and of all Aboriginal agencies or corporations such as the drug and alcohol abuse treatment centres, the native friendship centres, the economic development corporations, the funding corporations, the communications corporations, the paralegal services, etc.

All of these Aboriginal agencies were established with government funding, and their operations are funded from the same sources.

How can we recognize the existence and the need for these agencies while denying them access to the occupational training programs that are indispensable to maintaining the Aboriginal skills that will guarantee their operation?

Contradictory as it may seem, the new "Pathways to Success" policy has suddenly eliminated provincial training programs from the EIC priority list.

How is it that in 1991-92 the Native Training Institute managed to negotiate with the network

of occupational training commissions that $700,000 be set aside for provincial training programs?

How is it that during the same year the NTIQ managed to negotiate, in the Québec region of Employment and Immigration Canada, that $1.1 million be allocated to provincial training and we are told the following year that there is no provincial envelope because the native peoples have so decided?

It's easy to blame the Aboriginal groups, especially when you don't play fair and square with them.

The Quebec region of EIC has not only denied the existence of provincial training needs — which this year deprived at least 50 Aboriginal people of access to the training programs that would have helped them find work — but it will have occasioned a shortfall of several million dollars for the Aboriginal people of the province. It has also come close to wiping out our organization with a loss of about a dozen jobs, although the orientation and start-up document for "Pathways to Success" contains the following paragraph, and I quote:

> "[TRANSLATION] That the employment and training programs and services be administered, conducted and organized through Aboriginal

structures."

When you know how complex and varied the programs administered by EIC are, it borders on dishonesty to tell the Aboriginal people that they can suddenly participate fully in the decision-making process without running the risk of delaying the completion of some projects.

Why did the Quebec region not proceed by stages?

How will the Aboriginal peoples of Quebec make up this shortfall of several million dollars?

It is a lack of respect for the intelligence of Quebec's Aboriginal people to think they would have made such decisions if they had known the consequences. It is high time that Employment and Immigration Canada woke up and stopped trying to destroy everything and reinvent everything while claiming that it wants a partnership with the Aboriginal peoples.

Now let us talk about ISTC and, more specifically, the Aboriginal economic development program.

The NTIQ has had the opportunity to work with this program at two levels: as a training agency responsible for the entrepreneurship program, and as a promoter of a number of projects.

As a training agency responsible for the entrepreneurship program over the last three years we have been in a position to detect the flaws in the system and to identify the responsible departments.

First, it should be explained that in the entrepreneurship program the three departments that make up the Canadian Employment Strategy are involved:

- the Department of Indian Affairs, which has funds for certain coordination activities of the program; maximum contributions of $7,500 for those starting up their business; about $7,500 per business to ensure follow-up during their first year of existence.

- Employment and Immigration Canada assumes the costs of training and support for the students during their training period, which lasts an average of 26 weeks.

Industry, Science and Technology - Aboriginal economic development program assumes all other responsibilities covering the establishment and development of businesses. It should be said at the outset that the candidates are selected according to their projects, and these must be quite modest, designed to create from one to a few jobs.

As the training agency in charge of the entrepreneurship program, we think we should present to

you the philosophy and objectives of our institution in the articulation of such a training program, in order to provide a better understanding of the Aboriginal entrepreneurial situation in Quebec.

Our objectives in conducting such a training program are conveyed within an overall entrepreneurial perspective. For example, we offer a made-to-measure training program to our prospective Aboriginal entrepreneurs. We discuss all the administrative notions and concepts while ensuring they are applicable to the complexity of the respective communities. It should, however, be indicated that each entrepreneur must first undergo some propaedeutic training.

Following this learning process, the prospective entrepreneur must produce a draft business plan. At the same time, he must acquire some practical experience in micro-business management and, if possible, in a milieu similar to the one from which he comes. After this intense operational analysis period, the prospective entrepreneur must reassess and adjust his initial business plan.

This half-year of training leads the entrepreneur into the presentation of a serious business plan adapted to the reality of his immediate environment,

while ensuring that he has the necessary skills to properly manage an Aboriginal small or medium sized business.

Ladies and Gentlemen of the Commission, we are using this Commission to present this short brief, for we strongly believe that the Commission's mandate is to ensure that Aboriginal views are heard and considered by appropriate departmental representatives concerned with the genuine development of the Aboriginal communities.

Within this perspective, then, we would like to present to you a fairly accurate portrait of the difficulties encountered by our institution and our prospective entrepreneurs when presenting business proposals to ISTC. We will use the synthesis form to illustrate clearly the type of problems we are having:

- problems of accessibility to ISTC resources and funding;

- the lack of any understanding of the particular economic, social and political situation of the Aboriginal communities in Quebec in establishing priorities for projects;

- the complete exclusion of Aboriginal and non-Aboriginal partners from the decision-making process in the consultation and assessment of particular cases;

- a reactive, one-way approach in the management of entrepreneurial cases;

- a refusal to exchange any confidential information or communication concerning cases;

- a skewed understanding of the Aboriginal entrepreneurial situation, that is, an inaccurate assessment of the fundamental bases underlying Aboriginal economic development, a misunderstanding of the communities, a skewed assessment of the financial and operating possibilities;

- weaknesses in the techniques for evaluating projects and a comparative lack of open-mindedness on the part of program managers and administrators;

- a narrow, big-city conception, dismissing possibilities for development through the establishment and operation of small employment-generating businesses within the Aboriginal communities;

- complete control of their ideology — short and long term — to the detriment of any other thinking involving a management approach peculiar to the Aboriginal milieu that equates project development with the sharing of wealth.

What we recommend:

- We think that in matters of entrepreneurship there must be a close relationship between our institution and the responsible department. The following major principles should be adhered to by each of the partners: collaboration - participation; communication - information; consultation - concerted action.

- ISTC should use Aboriginal expertise when deciding whether to fund projects and businesses.

- ISTC should eliminate all confidentiality barriers, to ensure the accurate communication of information exchange in project development.

- ISTC should become a pro-active partner with all Aboriginal and non-Aboriginal partners throughout the consultation process.

- ISTC should change its approach in the entire evaluation process: evaluation criteria, selection of macro projects. Our assumption is that ISTC should get out of the Montreal urban environment in order to get an informed grasp of the reality of the Aboriginal micro-corporations in Quebec. This would promote the selection of projects of varying scope.

- ISTC should act in good faith with all Aboriginal promoters, institutions and agencies, with

the common goal of promoting Aboriginal economic development by supporting any entrepreneurial initiative that can generate jobs and income and provide an evaluation of the economic, social and political situation of the Aboriginal communities in Quebec.

I would now like to speak in my capacity as a promoter of business projects. The NTIQ recently tabled a proposal to do a feasibility study of the establishment of an occupational training centre at Pointe-Bleue that would provide trades courses, which are in short supply. This application was rejected on grounds that we have subsequently refuted by providing justifications based on the actual criteria in the program to the responsible people in the Montreal office.

It is quite evident that the people administering the program in Montreal do what they want, speak to whom they want and send people packing in a completely cavalier way. There is an "I don't give a damn" attitude that leads us to think that these people have no boss and are so protected that there is not an Aboriginal person in Quebec who can shout loudly enough to get them to attend to him if they have no such intention of doing so.

Messages are not replied to, things are promised that are not done, projects are delayed by several

months, and then they have the effrontery to strut about in all the Aboriginal meetings or assemblies and say, and I quote, "that the program is flexible and can be of assistance at several levels". This behaviour is sickening.

A proposed private self-sufficient occupational training centre is rejected on the grounds that it does not fit within the program criteria, while $100,000 is granted for the construction of a child care centre.

I have asked myself what might give some public servants such assurance. And I have come to the conclusion that it is the very existence of a board or commission composed of Aboriginal representatives which supervises the activities of the AEDP for the whole of Eastern Canada. Indeed, it seems to be the increasing fashion among departments doing business with the Aboriginal peoples to create commissions to supervise their activities.

I would be ashamed to be part of a commission that manifested such little concern for the quality of services to its clientele, so little that, even when there is a meeting of the economic development representatives of the Indian bands, we don't see one of these commissioners. And who are these commissioners? The

AEDP refuses to give us the list, still less their telephone numbers and addresses. From the little information I have managed to collect, I know that most of them have greater links with politics than they do with business.

There is another important factor in this debate, and that is the reputation itself of Industry, Science and Technology Canada. The Aboriginal Economic Development Program has in effect been grafted onto the ISTC, but do we really know all there is to know about this department? When we know that ISTC is the same department that, a few years ago, forgot to account for 100 million in financial commitments when calculating its financial needs, we understand a bit better why the Treasury Board is not more responsive to its demands. When you forget hundreds of millions, there is an excellent chance that you will not be interested in the little projects of the Aboriginal promoters.

The situation is not so tragic that we cannot suggest some solutions, although it may be painful, as inertia is painful:

- In the short term, to immediately replace the staff in the Montreal office who are the subject of all these complaints and invite the Aboriginal development corporations to sit on the selection committee.

- In the medium term, to appoint a board strictly for the province of Quebec composed of one representative per development corporation and one or two representatives for the clients who are not members of a development corporation, and give this board specific duties and responsibilities.

In conclusion, it is becoming obvious that the Canadian Jobs Strategy will not work for the Aboriginal peoples as long as there is no genuine dialogue among the three departments involved, the Department of Indian Affairs, the Department of Employment and Immigration Canada, and the Department of Industry, Science and Technology Canada. We therefore recommend that this dialogue be entrusted to the regional advisory committee that is to be established soon to examine regional initiatives in the Department of Indian Affairs.

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you, Mr. Paul. We appreciate that you have come and made this presentation in clear terms.

I think you are aware that there are some serious allegations in your brief, and I think that I should tell you right now that we in fact see the Commission's role as being in addition an intermediary, a facilitator, to try to resolve some particular problems;

and, clearly, your brief contains some concerns with regard to federal departments and offices in Montreal.

Essentially, what I can tell you is that we are going to investigate and, secondly, keep you up to date on our activities and our view of things once these activities have been conducted.

This morning, so as not to prolong things unnecessarily, I would simply like to ask you one question or clarification. When you speak of these commissions composed of Aboriginal people and you say there should be a commission for Quebec, should I take this to mean that there is a commission on the national, Canadian level?

GERMAIN PAUL: There are two commissions for ISTC: one for western and one for eastern Canada, which can encompass Ontario and the whole eastern part of the country.

CO-CHAIR RENÉ DUSSAULT: And what you are advocating is that there be one commission that is peculiar to the province of Quebec. Is that it?

GERMAIN PAUL: Yes.

CO-CHAIR RENÉ DUSSAULT: Secondly, you indicate that there is a geographical problem, that the fact that the program is managed from Montreal is not sufficiently close to the Aboriginal reality as it exists

in Quebec.

Can you elaborate on that?

GERMAIN PAUL: Basically, what we are saying is that, first, the office is located in Montreal, which is the biggest city in Quebec, while the clients are Aboriginal people in the smallest communities in Quebec. Those people are located in a 26-storey tower, while probably the highest building occupied by the Aboriginal people is three stories high. So already, there's an indication. They are in the wrong city, because Montreal is not necessarily the most appropriate city in Quebec for Aboriginal people to move about in.

That is pretty well what we are saying: it is necessary to get down to the dimension of the clients with whom you are doing business. And you won't succeed in establishing that contact by putting yourself in towers; on the contrary, you widen the gap that exists between the clients and the services.

CO-CHAIR RENÉ DUSSAULT: I have a final point of information.

The commission for eastern Canada comprises some representatives from Quebec. Are these Aboriginal representatives?

GERMAIN PAUL: From the names I have been able to get, yes.

CO-CHAIR RENÉ DUSSAULT: There is one thing that greatly surprises me, and it is this question of information that is apparently not available to you.

GERMAIN PAUL: No more to me than to others.

CO-CHAIR RENÉ DUSSAULT: Listen, I think that all we can do this morning with regard to what you are telling us is to restate somewhat what I said earlier: we are going to do some verifications and get back to you on the content of your brief as a whole. It seems sufficiently important to us to follow it up quickly, at least in terms of seeing exactly what is happening. Thank you.

I don't know whether there are other questions on the part of my colleagues.

COMMISSIONER PAUL CHARTRAND: Thank you, Mr. Paul, for your presentation, which deals with a matter that is very, very important for our mandate. Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would now like to ask Ms. Rose Dufour, of the Community Health Department of the Laval University Hospital, to come and make her presentation. Thank you.

ROSE DUFOUR, DEPARTMENT OF COMMUNITY HEALTH, LAVAL UNIVERSITY HOSPITAL: Good morning.

Mr. Chairman, Commissioners, ladies and gentlemen, I thank the Royal Commission of inquiry on the Aboriginal Peoples for providing me with this opportunity to express my view on the subject of health care. I should say immediately that I will not be speaking on behalf of the Inuit but only on my own behalf, as a researcher interested in the relationship between culture and community health.

I have entitled my brief '[TRANSLATION] Intercultural encounters: Health professionals and the Inuit clientele'. I will talk about health but I will not refer you to any statistics on disease nor will I describe the tragic social problems tormenting contemporary Inuit society. I will use the time that I am granted to examine with you the relationship that exists between culture and health in the belief that this will help develop an Aboriginal and community approach to health.

Since the body is the same for all humans in terms of anatomy and physiology, it is relevant to ask ourselves what cultural representations add to the discourse on health. Do these considerations have real impact on an individual's state of health, the therapeutic relationship, public health and community health?

Since the earliest contact with the Aboriginal peoples, sickness and health have been central

issues in the relationship between the Aboriginal peoples and Euro-Canadians. Illness existed well before this initial contact, as is attested by the presence of an ethnomedical system of diagnosis, treatment and ethnopharmacology. These contacts inevitably produced new diseases, but they also brought with them new ways of treating and preventing disease.

During the last 20 years the Nunavik have undergone an accelerated transformation as a result of the massive investments by the Quebec government in a number of areas such as municipal organization, education, health and social services. Physical accessibility to health care is guaranteed throughout arctic Quebec, as in all other parts of the province.

In material terms the region is quite favoured in comparison with other remote areas of the province. The training of Aboriginal staff continues to be a major concern in the organizational development of the northern Quebec health care institutions, which must cope with problems relating to cultural accessibility of care and services, their administration by Aboriginal staff, and health autonomy, which consists in returning responsibility for peoples' health to the people themselves rather than substituting for them.

The intercultural context of health

care services.

In a context such as this, with the cultural difference between health professionals and the beneficiaries of such services, it is of utmost importance to recognize and identify how culture affects health, illness, therapeutic relationships, and public and community health. To locate this fundamental link between culture and health, I have chosen to develop here a single cultural dimension of health, the conception of the body. I will therefore describe, first, the traditional Inuit way of representing the body and the way that bio-medicine does, and secondly, relate these representations to their respective vision of the world. Resituated in the contemporary perspective of the 1990s conceptions of health, we will see, in conclusion, that the innovator model may not necessarily come from the side we think.

The body: a single reality but two approaches.

The Inuit conception of the body.

The Inuit language refers to the body in two different ways in a glossary of several hundred words. The first deals with its materiality. The person, the Inuk, is formed of a body of flesh and bone and a soul animated by a vital breath, which is at one and the same time air, the breath of life, deliberate thought and the

cosmic order. The body is conceived as four halves: two longitudinal halves, a left flank and a right flank that reflect on each other.

This corporal vision is directly expressed by the sick person's complaint: "I have an ache in my side." It must be hard for a nurse or a doctor to interpret this manner of speaking because it has no equivalent in our understanding of medical science.

Transversally, another axis indicates the dual distribution at the lumbar level. While the first separation produces a reading of the body in relation to itself, the second, combined with an analysis of spatiality and movement, expressed in language but which we cannot demonstrate here, apparently serves as a reference to indicate the place of the human in his environment and his relationship to it. When standing, the human links heaven and earth.

The second way in which the language refers to the body is the use of metaphor. In this symbolic vision, the body is an igloo. The principal parts of the igloo and the body are designated by the same terminology. For example, the nose and the air hole of the igloo allow each to breathe; the pharynx and the corridor of the igloo convey in the one case food and in the other, humans; the anus and an opening cut into the rear wall of the igloo

allow in the one case the evacuation of human excrement and in the other, the departure of the sick and the dead; the eardrum is like a window, etc.

Although similar in some respects, men and women are distinguished in their anatomy and their social functions: the woman's body is an inhabited igloo and the man's body is a kayak. The metaphor for the female body, of course, expresses gestation by emphasizing procreation, and the man's body represents or expresses a semantics of action, travel or outside activities.

This expression of a symbiosis between the human and his or her surroundings does not stop with the terminology of the human body. It extends to the terminology of the landscape, which refers to the body and likewise the anatomy of animals which, like the terminology of the human body, refers to the surroundings. To speak of a human is to speak of the universe, and to speak of the earth and the universe is to speak of the body. One refers to the other, which in turn refers to the first. Nature lives in the human and the human lives in nature; there is no division between the two. These conceptions give rise to rituals and practices around birth, death, the hunt, etc. that cannot be developed here, of course.

Now let us abandon this Inuit

representation of the body and, for comparative purposes, look at the scientific understanding of the body.

The biomedical and scientific definition of the body is closely focused on anatomy and mechanistic physiology. The Western conception of the body is expressed in two metaphors: the first holds that the body is a machine — this is the cybernetic metaphor of scientific discourse — and the second, that the body is an animal, an evolutionist metaphor of Judeo-Christian thought.

CO-CHAIR RENÉ DUSSAULT: Please...

ROSE DUFOUR: Is this too fast?

CO-CHAIR RENÉ DUSSAULT: Yes. It is going too quickly for the translation.

ROSE DUFOUR: I am sorry.

CO-CHAIR RENÉ DUSSAULT: Perhaps you could slow down the pace. Thank you.

ROSE DUFOUR: The Western reality of the body is built, like the Inuit metaphors, on these two metaphors. Cartesian scientific thought distinguishes the body from the individual, establishes a dichotomy between the body and the spirit, and separates the individual from the human and physical environment.

These representations of the body are not improvisations. Nor are they fantasies of science or

of peoples. They are part of the cultural features — science too has its culture — that ought not to be interpreted as signs of ignorance. It is in fact the contrary that is demonstrated by the breadth and richness of traditional Inuit learning, and there are many existing examples, such as the Qollahuaya of Bolivia, who represent their bodies in hydraulic topography, the Kanaks of Melanesia, in vegetable matter, and the Burundians, in an androgynous house, to mention only these examples. These representations must be related to the visions of the world from which they are taken if their meaning is to be understood.

The scientific vision of the body and the vision of the world.

The scientific representation of the body-machine was formulated in its major features in the sixteenth and seventeenth centuries and is related to the scientific context of that day. While medieval science was based as much on faith as it was on reason, the science of the sixteenth and seventeenth centuries gave way to a machinist and mechanistic vision of the world. This was a result of the revolutionary changes occurring in physics and astronomy, the work of Copernicus, Galileo and Newton. The effect of the Cartesian scientific vision was not only to divide the person himself, but also to make him an alien

on his land and within his universe, to situate the sociocultural dimensions outside of the person and to exclude consciousness.

The narrowness of this vision centred on the organic body has, throughout the West — and in Quebec, since 1970 — resulted in a change in the way in which health is conceived, giving rise to new health care policies and administrative reforms in health services. However, over and above the administrative vision, there is one issue that still begs response: how can the social and cultural dimensions be integrated within one's conception of total health other than as risks to health without making psychological variables out of them.

The Inuit vision of the body, now, and the vision of the universe.

The work on ethnolinguistics and Inuit symbolism shows that the Inuit representation of the universe proceeds through the body and, conversely, the representation of the body proceeds through that of the environment. You have noted that all of the names given to regions begin with 'Nuna': Nunavut, Nunavik, etc. The Inuit vision of the body offers a holistic vision of the individual and of his unity with his surroundings, a part of a whole that draws its meaning from the relationships that the human being entertains with whatever is living

and whatever surrounds him. Within this integrated totality, a corporal zone is related to all of the other parts of the body and beyond the body.

While we say person and think of the body, in the Inuit context to speak of the body is to think of a person. A person cannot be reduced to his or her body. The body is socialized at the same time that it is a metaphor for the social, it is a social body, 'the Persona'/the personage that emphasizes the role played by the person in interrelationship with other humans and in symbiosis with the environment. It is a cosmocentric reading, in which the universe includes humans, animals, plants, earth and water. In Inuit mythology, all natural categories were created at the same time and are linked by a universal kinship that includes the stars and the storms, the world of the sea and the air that is breathed. To complete this vision, let us say that the Inuit universe is represented on three levels: terrestrial, marine and celestial. Each level is a habitat for humans, animals and the souls of the dead.

This vision is expressed in values, behaviour, attitudes, a respect for life in all its forms, human and animal. It is the basis for a sense of community that is structured by social rules — the organization of kinship and alliances, the attribution of personal names,

sharing and exchange, religion and spirituality — which encompass the physical body within the social body, which in turn is encompassed within the cosmic body. It is a model characterized by its continuity with the environment as opposed to the scientific model, which has been characterized as a model of discontinuity.

In conclusion, the problems of science and health organizations.

For science, the consequence of the two different points of view expressed here about the same reality, that of the body, is a change in paradigm. What must be seen is that the simple fact of changing one's point of view has the effect of engendering different perceptions, which have described reality in totally different ways, and which in turn give rise to different theories that will result in different actions. Thus from the different representations of the body there will follow certain conceptions of health and illness; certain practices and behaviour, certain customs and conduct in sustaining life and restoring and maintaining health; from rituals, a different ethnomedicine and ethnopharmacology. It is logical, it is not psychological.

I think it is René Dubos who criticizes science for being insufficiently scientific. Researchers know that Dubos is right. For others, the belief in

scientific truth persists and is a quite typical characteristic of Western culture, notwithstanding the many repeated demonstrations that there are no absolute scientific truths and that all theories and all concepts are limited and approximate.

Health is a relational process, and I hope I have established that culture is not external to the individual but is a fundamental system that desperately needs to be considered in the biological interface of the human/nature relationship. In the context that interests us here, the Inuit and health professionals answer in different ways to the imperatives of the human/nature relationship.

Neither of the two systems can fully answer the question, but each contributes a part of the answer and occasionally one answers questions which the other is unable to answer. Their answers differ because of the difference in their points of reference, established according to their reciprocal type of intellectual and moral ideal and the practical goals they are pursuing. The one, the Inuit traditional learning, is focused on symbolic thinking, while for the other it is material thinking, and the gap between them is probably as great as the gap between East and West.

Within this perspective, the richness

of traditional Inuit learning on health matters claims equal recognition with scientific learning. For this to happen, we must, in the name of scientific rigour, reject the reductionist models of reality, reject the imperialism of disciplines. The response we are seeking requires a synthesis of knowledge through the mutual enrichment of scientific knowledge and traditional Aboriginal knowledge. These two systems of knowledge are necessary to expand our conceptual frameworks, to understand the human in his globality, the human at the centre of an ongoing exchange with his environment and with other human beings, at the centre of an ongoing exchange between his internal world and the external world.

For the organizations, now, it must be recognized that the response to health problems cannot be fully contained within health organizations and policies. In other words, the community's state of health will not be modified and health-threatening conduct will not be changed through the addition of further measures.

Through a perverse effect of the system itself, the health care delivery system lessens individual and group responsibility. Healthiness also implies a capacity of individuals, groups and communities to take responsibility for themselves, to be responsible for their health, to do their share. And this responsibility must

be left to individuals and groups. This capacity is expressed in the choices that must be made in order to meet fundamental needs by using, where necessary, and only where necessary, the institutional relays which are there not to substitute for people but to supplement them to the degree possible.

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you, Ms. Dufour, for a presentation that certainly goes to the root of one of the major difficulties in matters of health and public health, which is to draw the connection between medical science as we know it and not only the traditional Aboriginal medicine but the actual conception, which is much more fundamental yet, as you have discussed, of the relationship between the individual and his environment in all of its dimensions.

I think that when, at page 14 of your brief, you say:

> "The response we are seeking requires a synthesis of knowledge through the mutual enrichment of scientific knowledge and traditional Aboriginal knowledge,"

this is perfectly consistent with the line of questions

we are asking in the wake of the first series of public hearings, in the document on the issues. Question 36 reads as follows:

> "How can traditional health practices be incorporated in the modern health system? What changes would this imply for the way doctors and nurses deliver Aboriginal health care? How can medical and nursing schools assist in recognizing the value of traditional approaches to health?"

And in your brief you go even further concerning the conception.

At note 4 in your brief you speak of the difficulty in training health professionals in the Inuit community. In particular, you state that certain steps are being taken to train nurses, nursing aides, etc.

We know that in the next decade there will have to be some breakthrough among health professionals; it is unacceptable that there are no nurses speaking Inuktitut who are trained to fill positions as health professionals in Northern Quebec, or in the northern Northwest Territories. The question is: By training this health care staff, will we at the same time lose the

essential contribution they can make? How can we ensure that young Inuit can be trained in the health professions by combining the store of scientific knowledge needed in order to have the qualifications and, therefore, the jobs, but at the same time preserving and enabling them to contribute what is best, what it is basically felt is needed in the area of public health?

We have overlooked many possibilities by medicalizing, by going over to the scientific side. It is not a case of giving one a leg up on the other, but it seems to me that we must try to get the best out of both worlds.

There is no answer in your brief to a question such as this. For us, as a Commission, we are extremely interested in knowing how young Inuit could be trained as health professionals and get the most out of it, and enable them to contribute what they have to contribute in terms of their culture while acquiring the scientific knowledge; that this scientific knowledge not wipe out this knowledge. So this implies that our own system of training health care professionals — and this is our question — should use and help take advantage of this knowledge of traditional medicine, this more comprehensive conception of health.

ROSE DUFOUR: I think that the reply,

in fact, is not in my brief, but an initial response already exists with the experiments now taking place on the ground. I would like to draw your attention to the existence of the maternity hospital in Povungnituk, which has been training Aboriginal midwives since 1986. An initial evaluation of this training was held in the Department of Community Health at the Laval University Hospital; the documents are available in French and English. I can have the documents sent to you. We are now conducting an analysis of the epidemiological data of the last two years.

Now, I would like to point out that the approach that has been used in training Aboriginal midwives has actually been an innovative approach in which the non-Aboriginal women who trained the young Aboriginal women did not simply provide training of a medical or scientific type. On the contrary. It would be hard to explain to you here, but we might, outside this session, give you all of the necessary information.

But we know — and the demonstration is clear — that it is possible to transfer knowledge, scientific knowledge, while integrating the data on the cultural aspects. I could not explain it to you here. But the experience has been extremely positive in Povungnituk.

With regard to the other types of professionals, these are the types of professionals that

have been trained, not in the framework of already existing professions, I would say, but have instead resulted in training directly focused on the needs of the communities. I am thinking, for example, of the health professionals who work on otitis and hearing problems; these problems do not exist in the same way at all in our communities. So there have been technicians who were trained with a content that responded quite precisely to the needs of the community.

With respect to the nurses, there has been a very extensive effort made by the Quebec government; funds have been granted for training Aboriginal personnel. I might also put you in contact with the right people to get more detailed responses. What I do know about it is that there has been training of Indian nurses, I believe, Crees in particular, and that there were no young Inuit women or men for reasons that are rather hard to explain here. I think one explanation lies in the difficulty the communities have in agreeing to have their young people go to the major centres for training; in short, there is a whole context. But I know, for one thing, that some very big budgets were allocated quite recently for upgrading of three auxiliary nurses who were trained in the late seventies; there are very big budgets that have been granted to enable them to have access to nurses' training

at present, and they should be graduating in the coming year. Here, too, I might put you in contact with the right people.

What I would like to add to that, if I may, is that we should not be trying to place guilt on one side or the other. I think we should innovate through new models that can reflect the community's knowledge. There is certainly an opening at present, in any event as far as the Hudson Bay region in particular is concerned, where there are some really very interesting and innovative experiments that have been done.

I would also like to add that while there has been an administrative reform of health care systems, there may be some delay in reforming attitudes in so far as returning responsibility for health to people is concerned. We have a tendency to see all the solutions — and I say this not only for the Inuit and the Aboriginal peoples, but for the inhabitants of Quebec in general — to health problems in institutions and organizations. I think this is a fundamental error. People also have some responsibility to take care of their health. The system is there only to make up for individual shortcomings. It is an institutional relay.

CO-CHAIR RENÉ DUSSAULT: Thank you.

ROSE DUFOUR: You are welcome.

CO-CHAIR RENÉ DUSSAULT: Mrs. Wilson.

COMMISSIONER BERTHA WILSON: [English follows]

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ROSE DUFOUR: I will add one comment, since you are giving me the opportunity.

I think it is essential to develop training, for example, in cross-cultural nursing or training for doctors who are going to work in the North and all personnel who are going to work in the North, to work within a crosscultural perspective of communication with the Aboriginal communities that helps view the culture not as a risk factor but as a coherent and intelligent system. For that, obviously, much remains to be done, including on the part of the researchers. It requires more than open-mindedness and receptiveness; it also requires that the researchers innovate in providing the content of those approaches.

I have been working for about 16 years in preparing training just for nurses and doctors, and I assure you that on the conceptual plane alone it is not as simple as that, because sometimes, in the name of science, we reject the community wisdom. This applies not only to the Aboriginal peoples; it is true as well for Quebecers in general: medical knowledge does not include the community's knowledge, but generally considers it as knowledge that should be replaced by scientific and learned knowledge.

So there is actually a reform of attitudes that must be carried out, to receive the community wisdom, starting from the standpoint of the individual and restoring to him his responsibility in health matters. But believe me when I say that we are working very hard to try to find these solutions that are of concern to you.

CO-CHAIR RENÉ DUSSAULT: Paul.

COMMISSIONER PAUL CHARTRAND: Thank you very much, Professor Dufour. [English follows]

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ROSE DUFOUR: Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you, Ms. Dufour.

We are going to take a coffee break for about ten minutes and we will then resume with the presentation by the Services parajudiciaires autochtones du Québec.

Thank you.

--- Brief adjournment at 10:48 a.m.

--- Resumption at 11:09 a.m.

CO-CHAIR RENÉ DUSSAULT: We will now proceed to the presentation of the brief of the Native Para-Judicial Services of Quebec, if you would kindly identify yourself.

PAUL TURMEL, GENERAL MANAGER, NATIVE PARA-JUDICIAL SERVICES OF QUÉBEC: Good morning, Your Honour, Madam Commissioner, Mrs. and Mr. Commissioners, my name is Paul Turmel. I am the general manager of the Native Para-Judicial Services of Quebec. It is a pleasure for me to address this Commission on behalf of our corporation.

Given that the way of life of the Aboriginal peoples is centred on the welfare of the community, Aboriginal values are based on collective

criteria rather than individual and personal criteria such as those that prevail in non-Aboriginal culture; given that Aboriginal cultures are based on visual expression and are quite unfamiliar with intangible concepts, it is hard for Aboriginal people to comprehend the functioning of an abstract criminal justice system in which one cannot really sense or conceive of some type of reparation or compensation for the victim of a criminal act, or direct compensation within the community for the wrong that the victim has suffered.

Whenever our organization has been consulted or involved in discussions on law enforcement in the Aboriginal communities, we have consistently favoured the involvement of Aboriginal people in the administration of justice, independently of the mode of operation — mediation, alternative dispute resolution, justice committees, Aboriginal judges, or any other possible combination — that is negotiated by all Aboriginal nations where it is universally applicable to all Aboriginal peoples, or in accordance with the process that is most appropriate to each Aboriginal nation.

Clearly, in order to achieve greater participation of Aboriginal people in the legal process, it is of prime importance that we implement the proposals that were made to the Minister of Justice and Attorney

General of Quebec, Mr. Gil Rémillard, at the Justice Summit last February. Similarly, we must get some tangible, concrete results from the work done by the federal Department of Justice in the discussion paper on "Aboriginal People and Justice Administration", which is for the most part consistent with the spirit of the Justice Summit and its call for improving the delivery of legal services in the Aboriginal communities.

The time has come to stop the studies and to improve the joint efforts among the various levels of government and the Aboriginal nations to implement the recommendations, which in some cases date back to the National Conference on the Aboriginal peoples and the criminal justice system held in Edmonton in 1975. We advocate that the legal system or systems be based on the particular values of the Aboriginal nations and that this system or these systems reflect their particular aspirations while guaranteeing any Aboriginal person facing a charge the full answer and defence to which he is entitled.

Our organization, Native Para-Judicial Services of Quebec, was founded 10 years ago chiefly to facilitate the passage of Aboriginal accused through the justice system. Under an agreement with the Quebec Department of Justice, we have a mandate:

- to help Aboriginal people make more effective use of their right to defend themselves or to obtain the services of a lawyer, to understand more clearly the nature of the charge and the philosophy and functioning of the criminal justice system;

- to help increase the awareness of those involved in the criminal justice system of the customs, values, languages and socio-economic conditions of Aboriginal people;

- to take into consideration the problems of communication between Aboriginal people and the criminal justice system.

The operation of our program has meant that Aboriginal accused are better informed of their rights and responsibilities, and they have better access to legal services in the criminal justice system through the assistance provided by the court workers. It is therefore vitally important, in our view, that this program be maintained in its current form throughout the transition period.

However, our program is faced with some problems that could be resolved fairly easily.

The first problem is that the present justice system does not acknowledge the court worker as a full participant in the judicial process. The court

worker is tolerated in the system as long as this does not upset the other participants.

Over the last 10 years, whenever a court worker has been confronted with a new participant in the system, he has had to justify his existence and explain who he is and what he is supposed to do, in order to fulfil his mandate. In a number of regions this informational process has become a preamble to any intervention by Aboriginal court workers. It is vitally important that the court workers be given a special status, so that they are rightly acknowledged within the justice system along with the other participants in the system.

The second problem may jeopardize the professional relationship between the court worker and his client. In our opinion it is vitally important that court workers have equal or analogous protection with lawyers in matters of solicitor-client privilege.

In many cases the information that is confidentially disclosed to a court worker by a person who is under arrest is disclosed for the purpose of gaining access through the court worker to the services of a lawyer in order to get information about his rights in such a situation. We must also keep in mind that in many regions the services of a lawyer are relatively inaccessible and that in these particular cases the only resource person

known to the Aboriginal person under arrest is the court worker.

Clearly, summonsing a court worker as a witness to disclose or corroborate information he obtained in the course of his duties would undermine the client's confidence in the services he is able to obtain from the court worker. Moreover, this practice could actually jeopardize the credibility and existence of this service, since Aboriginal people involved in the judicial process would no long be willing to use the services of the court workers out of fear that the latter would testify against them.

The shortage of financial and, by the same token, human resources is the third major problem. It prevents us from responding adequately to the needs of all the Aboriginal communities in the province. Since 1987 we have cut back on the costs of training, administration and supervision and we have even had to limit travel by the court workers over some fairly lengthy periods. Since 1987-88, we have been requesting additional court worker positions. But the financial resources we have been granted have forced us to cut positions.

This year we received some additional funds for training and to open an extra position. Bravo! The adequate training of court workers is extremely

important to the proper servicing of the clientele. However, opening one position in the course of a year is fine, but, as Mr. Jacques Auger, the departmental Aboriginal coordinator for the Quebec Department of Justice has confirmed to us, we cannot count on any new increase that would maintain this position for a full year. When you get only 35 percent of the cost of a position and five positions are needed, you have not settled many problems.

There is a lot still to be done, at several levels. Assistance to the victims of criminal acts is non-existent in the Aboriginal communities. Crime prevention programs and programs for Aboriginal inmates in provincial detention centres still do not exist.

We have been negotiating with the Department of Public Security on this matter since 1989. We have even modified our proposal in collaboration with representatives of this department in order to achieve some realistic objectives, and to service at least those institutions with a relatively large Aboriginal population. Despite the urgency of establishing a program that can meet the specific needs of provincial Aboriginal inmates, we have just received a negative answer from this department to the funding of such a program, although the department seemed to understand the need to remedy certain

shortcomings in the delivery of services adapted to the needs of Aboriginal inmates under its jurisdiction.

Our organization, Native Para-Judicial Services of Quebec, under the Aboriginal court workers program, has on many occasions pointed to the need to provide information to Aboriginal communities as a whole about the functioning of the justice system. What we are authorized by the court workers program to do in terms of accused adults and young offenders suspected of or charged with an offence under a criminal statute can easily be extended to all members of the Aboriginal communities, including witnesses, victims and family members — the members of the community — as we had requested when the federal-provincial agreement governing the Aboriginal court workers program was being renewed for Quebec.

In the court workers, we already have in place the most appropriate people to effectively reach the members of the Aboriginal communities. They are members of their communities, they know their particular features, their dialect. Since they are already close to the members of the communities, they are already recognized by the members of the communities as people who work on their behalf in the justice system.

With their expertise in criminal law, the court workers are, in our view, the people who are

best situated at present to successfully carry out any initiative to increase public awareness of the justice system in the Aboriginal communities of Quebec. It would be economical and fairly easy to expand the mandate of the court workers under the present program.

At present, the court workers' mandate is to provide services to accused adults and young offenders suspected of or charged with a criminal offence. These professionals of the justice system could easily be used as the appropriate contact people for the Aboriginal communities, by allowing them to do public legal education.

As was recommended at the Justice Summit, we think it is of the utmost importance that the members of the legal community and participants in the justice system be properly informed of the social and cultural realities of the Aboriginal people and the special needs in implementing federal and provincial statutes as they affect Aboriginal people.

Such training must go further and prepare all of those involved for the particular provisions that already exist in the provision of legal services to Aboriginal people, such as the appointment of Aboriginal judges under section 107 of the Indian Act and section 200 of the Cree, Inuit and Naskapi Native Persons Act,

and their powers, or the various types of police departments that also exist, etc. This training should also acquaint the members of the legal community with the rationale for court workers, their role, the nature of their work and their place in the justice system.

The work of those involved in the justice system, and of court workers, would be greatly facilitated by a mutual understanding — which already exists, in some respects — of the role each plays and, in the case of the Aboriginal people, of the reason for a new participant who might, after the Justice Summit, and now after this Royal Commission, be assured of his rightful place in the justice system, especially in court.

Thank you, Your Honour, Madam, Mrs. and Mr. Commissioners, for the time that you gave us.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you, and your organization, for having come and presented this brief to us this morning. You will understand that this brief is of particular interest to the Commission, since we are going to hold a national round table next week on the justice system and its application to the Aboriginal peoples of Canada.

I have simply a few brief questions of information.

I understand that you have been

constituted since 1981, you were created in 1981, and that you have 22 service points in Quebec — this is what I am given to understand from the documentation you are giving us — in all regions of Quebec in which Aboriginal people are located.

PAUL TURMEL: Yes.

CO-CHAIR RENÉ DUSSAULT: There are how many full time or part time court worker positions at present?

PAUL TURMEL: At present we have 19 full and half time court worker positions.

CO-CHAIR RENÉ DUSSAULT: Full time and half time?

PAUL TURMEL: Nineteen persons in all...

CO-CHAIR RENÉ DUSSAULT: In all.

PAUL TURMEL: ... are involved in the Court workers program.

CO-CHAIR RENÉ DUSSAULT: And is this full time or is it 19 people...

PAUL TURMEL: Presently, we will have three people who are on half time and the other 16 are full time.

CO-CHAIR RENÉ DUSSAULT: Now, can you tell us a bit more about who these people are and how they are trained, what type of training you give them?

PAUL TURMEL: The court workers are all Aboriginal people who are hired in their region to immediately facilitate the dialect and also the confidence of the people who require their services. The court workers as such are people whom we train in-house concerning the legal process, the differences also in terms of all the court levels, so they are able to assist Aboriginal peoples who are confronting the criminal justice system.

CO-CHAIR RENÉ DUSSAULT: Do you train them in the regions? Do you have a centralized training program in Quebec, and what are the content and duration?

PAUL TURMEL: In terms of training, when our people are hired we have training that lasts a week and is given either in their community or in the regional offices, i.e., at the Huron Village or in Montreal. This training covers, eventually, all aspects of court proceedings, whether in the criminal court or the Youth Court under the Young Offenders Act.

We have some training in communications as well with these people, how to appear in court, how to present oneself in terms of the various parties with whom they will be dealing, and everything that there is, all things considered, in the justice system in terms of procedures, and what can happen as well in certain circumstances, so they are able to provide information

to clients.

CO-CHAIR RENÉ DUSSAULT: Can you tell us exactly what is the major role they have to play when they appear in court?

PAUL TURMEL: In terms of the court, at present it varies from one region to another, but what the workers do in general is that they assist the person during his judicial proceeding; they appear with the client, the Aboriginal person, and his or her counsel. They make the link between counsel and client when necessary. They also provide information on habits and customs to the defence counsel or to anyone else involved in the justice system so they can take these matters into consideration in their deliberations involving Aboriginal people.

CO-CHAIR RENÉ DUSSAULT: You spoke of the need for solicitor-client privilege, because some of them had been called before the court. Can you elaborate on this, because it seems at first sight contradictory with the role, obviously.

PAUL TURMEL: It is contradictory with the role, but at present we have no protection for this type of participant in the justice system, except for when they participate in a specific meeting in private with the defence counsel, given that he becomes an extension

of the defence counsel so the latter can communicate with his client. But the problem derives from the fact that this protection is not necessarily recognized when the worker meets with the client himself and that it is, all things considered, to be able to get information, either to convey it or to enable the accused to obtain the services of a lawyer; this can happen also. This conversation which he may have with the client is not protected in any way at present under any type of protection one might have or any solicitor-client privilege.

So, we need to allow these people to have some recognition of solicitor-client privilege so they can keep the conversations that are given privately with their clients, somewhat like the lawyers.

CO-CHAIR RENÉ DUSSAULT: Have there been situations in which these people have been given subpoenas to testify?

PAUL TURMEL: It happened once, when we had a worker who was summoned to testify and it created certain problems in terms of functioning.

CO-CHAIR RENÉ DUSSAULT: He was called by the prosecution.

PAUL TURMEL: That is correct, by the Crown.

CO-CHAIR RENÉ DUSSAULT: Your budget

comes from the department...

PAUL TURMEL: The court workers program is 100 percent funded by the Quebec Department of Justice which is reimbursed 50 percent by the federal Department of Justice.

CO-CHAIR RENÉ DUSSAULT: You have surely had occasion to reflect on the justice system in the Aboriginal communities in Quebec. One of our concerns — and I think it is the concern of a great many people — is to take a detailed look at how the present system can be adapted to meet the needs of the Aboriginal people and whether, in fact, the system — in its fundamental characteristics, which tend to make it an adversarial system, which tend to oblige people to enter a guilty plea, etc. — really allows Aboriginal values to be taken into account; or whether, in some respects, it would be appropriate to move in the direction of community systems distinct from the traditional system that we know?

Do you some thoughts to share with us on this, from your experience?

PAUL TURMEL: Given that we ourselves do not represent the Aboriginal nations, I will not take a position on what would be the best system to implement for the Aboriginal nations. It will be up to the nations, as was mentioned, to do that kind of work.

However, our opinion is that there is a need to bring the administration of justice into closer contact with the Aboriginal communities, whether through Aboriginal judges, justice committees, mediation, any other process that might, all things considered, involve Aboriginal people in dealing with the offenders they have in their communities so they can, eventually, participate in their own way in the development of a better social life in the communities.

If we look at present at the different opinions that are being analyzed between the Quebec Department of Justice and possibly the federal Department of Justice and the Aboriginal nations, we have so many differences now between what the different nations want and what the Quebec Department of Justice is perhaps prepared... or how far they will go, I cannot tell you either. But we are going to see what the nations, ultimately, are interested in doing. At present, there are some nations that are interested in functioning with Aboriginal judges, other that would be closer to justice committees. There is something of a middle course between what would be a justice committee with a judge, to be able to use the justice system, and all the different proceedings that might be put in place, even going so far as a total dejudicialization in some cases.

CO-CHAIR RENÉ DUSSAULT: Thank you.

PAUL TURMEL: You are welcome.

CO-CHAIR RENÉ DUSSAULT: Mrs. Wilson.

[English follows]

[page 435]

COMMISSIONER PAUL CHARTRAND: Thank you very much, Mr. Turmel. [English follows]

[page 436]

CO-CHAIR RENÉ DUSSAULT: Thank you.

PAUL TURMEL: Thank you.

CO-CHAIR RENÉ DUSSAULT: We hope that we will have an opportunity to continue this dialogue, because it is an issue that is extremely important to the Commission, the adaptation of the justice system and likewise the possibility of distinct local systems that could serve as a support to the justice system.

PAUL TURMEL: We remain at your disposition, if you need any additional information.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would now like to ask Chief Rémy Kurtness, of the Montagnais Council of Lac-Saint-Jean, to come and make his presentation.

Good morning and welcome.

CHIEF RÉMY KURTNESS, MONTAGNAIS COUNCIL OF LAC-SAINT-JEAN: Thank you, Your Honour.

Mr. Co-Chair Dussault, Ladies and Gentleman of the Commission, brothers and sisters, ladies and gentlemen, I would like to begin first of all by thanking the Royal Commission on Aboriginal Peoples for allowing the Montagnais of Lac-Saint-Jean to come here today to table a brief that describes the expectations of our people in regard to the future. Through this

Commission, the Montagnais nation of Lac-Saint-Jean wishes to affirm its self-government and sovereignty over Nitassinan, our territory.

The brief we are tabling today indicates to the Royal Commission on Aboriginal Peoples that the Montagnais of Lac-Saint-Jean have given careful thought to the next stage, which, without being a return to the original sources of the nation, is nevertheless a return to the major principles that have successfully governed Nitassinan for thousands of years.

This brief makes no claim to contain all of the things that the Montagnais of Mashteuiatsh will need in order to accede to self-government. It is intended rather as a preliminary document containing the essence of our hopes and aspirations for the future of the nation.

In 15 minutes I will share with the Commission some principles that lie at the basis of our thinking. I will also share with the Commission our notion of sovereignty and self-government, of our autonomous government and, in conclusion, of our official affirmation.

The principles.

As the first occupants of a territory situated in the geographical heart of Quebec, we rely on principles that, for the most part, originate in an epoch

situated well before the arrival of Christopher Columbus or Jacques Cartier. These principles lie at the basis of our thinking, and I take the liberty of revealing some of them to you so you can clearly understand what we are saying.

We, Piekuakami Ilnutsh, Montagnais of Lac-Saint-Jean:

- declare that we have the right to exist, to be recognized, to determine our own future and to pursue our development as a people and nation with our own identity, exercising our fundamental rights and freedoms;

- declare, as a First Nation, that we have the right to retain the ownership of our traditional lands, including the waters and the subsoil, in appropriate conditions, to secure our independence and economic and social self-sufficiency in accordance with our traditional and contemporary values;

- declare our desire to assume our full political autonomy defined territorially by our own institutions, developed in accordance with our values, aspirations and needs;

- declare that accession to self-government in no way diminishes the responsibility of the Canadian government for the wrongs it has caused

to this day;

- declare that, as a First Nation, it is our responsibility to determine who will be our members, to exercise exclusive powers to legislate and enact policies in matters of concern to us;

- declare that we have the right to practice and retain our language and traditions, and our own customs and cultural values;

- declare that we may exercise exclusive control over all activities — social, cultural, community and economic — on our territory, and may benefit from and control the use and management of the resources that derive from it;

- declare that our aboriginal and traditional rights continue to exist, are inalienable and shall be respected;

- declare that we recognize the need to maintain harmonious and egalitarian relationships with Quebec and Canadian society, based on respect for rights and mutual trust.

In 1992 these principles are still relevant and are being debated without respite, given the legitimacy of our claims.

Our notion of sovereignty and self-government.

Since we have never assigned or alienated our rights in any way, our sovereignty should be acknowledged and enshrined in the Canadian Constitution. We desire a sovereignty with specific powers that enable us to flourish in accordance with our aspirations.

Some powers must be exclusive and others shared. The issue here is not one of placing the Montagnais people over others, but rather of ensuring that they are not rendered subordinate. The issue is also one of having our own jurisdiction over a territory specifically belonging to us, as an expression of our sovereignty.

That is where we wish to exercise our right to full autonomy. We think that the survival, respect for and development of our people is a reality that we can achieve through only one means: the recognition of our inherent right to self-government and the recognition of our right of ownership, of our jurisdiction over the lands and resources, with programs and services that reflect our specific nature.

It is obvious, however, that arrangements or agreements must be consistent with our coexistence with the groups that surround us. This is the type of relationship we seek with the Quebec and Canadian people, relations that to us appear realizable and viable,

and based on mutual respect.

Self-government has proved to be the key to the entire Aboriginal question, and we have no hesitation in claiming it for ourselves. The government of Canada has more than once demonstrated its willingness to change its thinking based on a clear acknowledgement of failure, as the Prime Minister has observed:

> "[TRANSLATION] We cannot say, as Canadians, that we have been very successful. We in Ottawa are spending some five billion dollars a year on the Aboriginal peoples, and the results are family violence, alcoholism, unemployment rates of close to 95% on some reserves and young people who have been lost forever."

This awareness leads us to hope that the Royal Commission on Aboriginal Peoples will be the final step toward much more concrete solutions. As witness to this, the pace of current negotiations being conducted by the Council of the Atikamekw and Montagnais has been slowed by repeated postponements of government offers, casting doubt on this good faith. The Montagnais of Lac-Saint-Jean have come to doubt the good will of the

governments in these negotiations, and there is every reason to believe that there is no real desire for a settlement.

While popular prejudice would have it that the Aboriginal peoples are living on government handouts, the government derives substantial benefits from the natural resources taken from our lands, and everyone is well aware that this is where the real solution is to be found.

What has become of the government's fiduciary responsibility? What has become of the consideration for the historical wrongs that were caused? Is this a communications strategy of the governments designed to isolate the Aboriginal peoples from the Quebec and Canadian people? If so, we cannot subscribe to it. If not, is it a strategy for social marginalization, considering that the development of the natural resources of our lands occurs all too often at the expense of our people?

Self-government... and I will end with this.

In defending the principle of maintaining harmonious and egalitarian relationships through a new social contract with Quebec and Canadian society, we are convinced that some positive action for

the Aboriginal future in Canada is imminent, notwithstanding the defeat of the proposed Charlottetown agreement.

Before taking this action, the governments and the people want to hear us say once again what we believe in and what we concretely want, through the Royal Commission on Aboriginal Peoples. A single answer: an autonomous government with jurisdiction not only within the limits of the community of Mashteuiatsh, but also over the whole of Nitassinan, our territory:

- we believe in our fundamental and inalienable right to govern ourselves;

- we believe in a notion of sovereignty with our own lands, our own resources and our own powers;

- we also believe in exclusive and/or shared powers under arrangements that are subject to prior negotiation;

- we believe in a right to freedom and equality between our peoples;

- we want legal recognition of our Aboriginal and territorial rights;

- we want to participate in the development of resources, to enjoy the benefit therefrom, and to contribute to the development of our people;

- we want to obtain forthwith the

recognition suggested by the Charlottetown accord as one of the three orders of government;

- we want to institute a system of administration of justice that will be consistent with our values and traditions. Self-government is not only the power to legislate but the power to establish the institutions and mechanisms that can allow one to administer and enforce one's laws.

Our affirmation.

Whereas for many years already we have been managing our education, our health services and social services, our technical services, our territorial services and our community services with sufficient panache to ensure full self-government in the community of Mashteuiatsh and in the territory.

Whereas in 1992 we have proof of our leadership and skill in administering some of the autonomous and independent services of an outside administration.

Whereas we continue to have the impression that the territory has been managed without consideration for our values ever since it escaped our governance and our millennial jurisdiction.

Whereas we know there is not and will never be self-government without land to implement it.

Whereas our situation of state dependency is clearly contrary to the principle of self-government that we support, and, over and beyond this fundamental principle, there is the certainty that we have never been dispossessed, and are yet and for all time the protectors, the defenders, the managers of this great territory.

Whereas the youth constitute our most important resource, and only self-government will enable them to perpetuate the pride and dignity that have always characterized our nation.

Whereas we have always advocated harmonious and peaceful coexistence and, with it, we are able to construct a better future.

We, the Montagnais of Lac-Saint-Jean, declare that we are more prepared than ever to take a new step and assume control over our destiny, in a context of harmony and mutual respect.

On this great land that the Creator asks us to protect, there must be room for everyone, but especially for its first occupants and the First Nations of this part of the earth.

Tshitshe Manitu is witness to our decisions and actions, and yours.

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you, Chief Kurtness. I understand that this is a preliminary brief, but no doubt it comprises the framework of your approach. As I have already had occasion to say to others, this is the beginning of a dialogue. We are going to return to Quebec and, if you wish to complete your brief and explain a number of notions, you will certainly be welcome in other fora, in other hearings of the Commission.

I say that because fundamentally I hope — and I think I am speaking for the Commission as a whole — that some additional thinking will be done on the crucial question, which is more or less the following. If I understand clearly, you attach the issue of self-government to an increased territory, broader than the century-old territory you now have, technically, under the Indian Act.

My first question would be, on the one hand — I think it is important for the public record — the reserve now includes how many members who are living on the reserve and how many living off the reserve if such is the case?

RÉMI KURTNESS: Our total population is more than 3,500 members. There are about 1,700 residents in the reserve, most of the others living close to the community, that is, in the neighbouring towns; I am

thinking, for example, of Roberval, Saint-Félicien, Chambord, Saint-Prime. This is easily explicable by the high unemployment rate we have in our community and the lack of housing. But close to one half of our population lives off the reserve.

CO-CHAIR RENÉ DUSSAULT: When you speak in your brief of an autonomous government with jurisdiction not only within the limits of the Montagnais community on your reserve but also over the whole of Nitassinan, "our ancestral territory", can you enlighten us somewhat on the nature of this territory? Have you undertaken any land claim proceeding?

RÉMI KURTNESS: Yes. In fact, the land claims policy requires that we be reorganized into two nations. This is what has happened with the Montagnais of Lac-Saint-Jean, who are grouped with the other eight Montagnais communities and three Atikamekw communities, in what is called the Council of the Atikamekw and the Montagnais.

CO-CHAIR RENÉ DUSSAULT: So you are part of the claim...

RÉMI KURTNESS: We are part of the territorial negotiation, yes.

The more specific territory to which we allude... traditionally, the reserve went from

Métabetchouan to Péribonka. Now it is just located on Pointe-Bleue. We always occupied a very broad and very large territory. You think of all the names we have in our area — think of Chicoutimi, Mistassini, Mistassibi, Pikuagami (PH), Péribonka, Ashuapmushuan, Ouiatchouan, Métabetchouan — which are all names that were borrowed from the Montagnais. And we never gave up that land.

People won't be asked to leave with their house under their arm, but it is quite clear that if you want to exercise self-government, there is not one government that exercises self-government without land and without natural resources.

What we are thinking of when we talk of self-government over Nitassinan, is those parts of territories that have always been ours and that are the subject of land negotiations while we speak. It may be close to 66,000 square kilometres at Lac-Saint-Jean, which is the size of the beaver reserve.

CO-CHAIR RENÉ DUSSAULT: In fact, to continue with what you just said, just to be sure that I clearly grasp what you are saying, you state to us in your brief, at page 7:

> "declare that, as a First Nation, it is our responsibility to determine who will be our members,

to exercise exclusive powers to legislate and enact policies in matters of concern to us;

My question is, basically: Since, from what you say, there would be a territory extended further than it is at present, there will also necessarily be non-Aboriginal people; but, as you say, "we won't ask them to move their house", etc. When you speak of "exclusive powers to legislate and enact policies in matters of concern to us", do you have in mind policies concerning that territory or concerning the members of the nation inhabiting that territory? What is the status of the non-Aboriginal people in that case?

RÉMI KURTNESS: In fact, at the moment we are speaking — I think it is important to explain it and I am going to reply at the same time to your question — we are limited in terms of powers to what we are allowed by the Indian Act, and we are limited to the present reserve. I was telling you earlier that we, self-government, it will not be exercised solely within the limits of the reserve, because that will not be economically viable or profitable.

So the territory that will be subject to a land settlement, the land that we will be managing, it is very clear in the minds of the Montagnais of

Lac-Saint-Jean that on that land it will be our laws, it will be our regulations and that whoever lives there will have to comply just as, when we come to Quebec City, we comply with the laws of Quebec and when we go to another province we comply with the laws of the other provinces.

We will not reinvent the wheel. What we want is to maintain harmonious and egalitarian relations. This means that we will not reinvent justice, but it is certain that the members, our members, are going to be accountable to our government.

CO-CHAIR RENÉ DUSSAULT: Now, have you thought about the issue of the compatibility of Aboriginal laws with provincial laws, for example, and federal laws? In the Charlottetown accord we know there was some balancing provided concerning what was essential, the laws essential to public security, peace and good government.

You are talking of harmonization with what surrounds you and the population as a whole.

RÉMI KURTNESS: Yes. In fact, we had no difficulty living with that aspect of the Charlottetown agreement, which required of the First Nations that our laws be consistent with federal laws, provincial laws: peace, order and good government. The Montagnais of Lac-Saint-Jean form a responsible government, and a responsible government means that it will indeed enact

laws that are consistent with peace, order and good government, and that also respect the people with whom it must coexist and cohabit.

So this is not an element that scares us, on the contrary. If we want to be a responsible government, it means that effectively we will have to make good laws, and behave as a good government.

CO-CHAIR RENÉ DUSSAULT: I understand that this is a preliminary exchange and that we will no doubt have — and so we hope — the opportunity to continue it. Given the time, I am going to ask my colleagues to make the comments or raise the questions that they deem appropriate.

Mrs. Wilson.

COMMISSIONER BERTHA WILSON: [English follows]

[p. 455]

RÉMI KURTNESS: In fact, we have been negotiating with the Canadian government and the Quebec government for 12 years. At this moment, we have a signed framework agreement and we are negotiating for an agreement in principle, which should lead ultimately to a final agreement. But the negotiations are, in our opinion, lagging, given that it is 12 years we have been negotiating and we are still at the framework agreement. The framework agreement stipulates the subjects that are to be discussed, and who shall be present at the negotiations, so that if indeed we want to proceed from willingness to action it will be necessary to recognize this self-government, it will be necessary to recognize these lands if we are to exercise our self-government.

But, at this moment, I was told yesterday that the negotiations would be resuming in January 1993, because the government of Quebec has just appointed another negotiator with plenipotentiary powers. This may be more attractive, but we won't be fooled. We have been negotiating for 12 years and would dearly like to see the light at the end of the tunnel, and we hope it will not be the train that is coming.

CO-CHAIR RENÉ DUSSAULT: If I clearly understand your interpretation, there has still been an

appointment, as you put it, of a special negotiator. We are aware that it is 12 years since the negotiations were begun, and we certainly understand the frustration you feel about this matter. One can only hope that things will speed up.

As you know, one of the Commission's terms of reference is to make recommendations concerning the land claims negotiations process. I think that the Atikamekw-Montagnais Council has certainly had good experience with how these negotiations work and if, in a later brief explaining this, you were to have some recommendations to make to us about the process, we would be extremely interested in benefiting from your experience.

Obviously, what we have in mind is recommendations that basically would promote the acceleration of negotiations in these land claims.

Thank you.

RÉMI KURTNESS: We will do that, Your Honour, with great pleasure, because it should also help you. But it is important — and I will end with this — to understand that the protection of our way of life, the protection of our language, our culture, our traditions, is in the lands that we will be able to protect, preserve and promote those values. It is quite clear that we will

not be able to preserve and promote our language, culture and traditions within the cramped limits of our reserve.

Our young people especially — because 50 per cent of our population is less than 18 — are placing a lot of hope on the land negotiations and some day, I hope, we should reach some concrete results.

To be sure, we will be making some proposals on this, but above all it takes political will.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Commissioner Chartrand.

COMMISSIONER PAUL CHARTRAND: Thank you, Chief Kurtness. [English follows]

[p. 459]

RÉMI KURTNESS: In fact, yes, Mr. Chartrand. It is a preliminary report because Justice Dussault called me last week to ask us to present our brief and, given the little time we had, this is the reason why we consider it a preliminary brief; but we will be completing it.

In response to your question, yes, we identify with virtually all the major principles defended by the Assembly of First Nations. Moreover, we were in favour of the political accords in the Charlottetown agreement, generally speaking. So it is a position that indeed is similar to that of the Assembly of First Nations.

COMMISSIONER PAUL CHARTRAND: Thank you very much. [English follows]

[p. 461]

RÉMI KURTNESS: I am very pleased that the question has been asked, because in fact we are thinking of other land claims negotiations strategies.

I said earlier that we had great hopes, but I don't think we should fool ourselves too much, either. We must continue to be realistic. It is our responsibility to ask our people to remain realistic in the land claims. For the Atikamekw-Montagnais, in Quebec, this represents 550,000 square kilometres; I was telling you that, more specifically, with us, it is the beaver reserve, 66,000 square kilometres. Those are figures that scare Quebecers, and those are figures that scare Canadians.

In terms of bargaining strategy, I for one would like the negotiations to be public. I would like the governments of Quebec and Canada to undertake to conduct these land claims negotiations in front of observers, because our claim is legitimate, the principles we are defending are principles that will enable our people to be proud, to be dignified. It is humanly impossible to be proud and dignified when you are living from government handouts.

So what I would like is to convince all Quebecers and Canadians, in terms of strategy, that our claim is legitimate, because if we convince Quebecers and

Canadians, the government will say "yes" to our claims. But if we do not convince Canadians and Quebecers, there is no government that is politically suicidal enough to run counter to the will of its people.

That is why I think that in terms of strategy we should make our land claims negotiations public. The principles we are defending are principles that Quebecers are defending in their struggle against the rest of Canada and against the rest of North America. They want to protect their distinct language and culture from the rest of English Canada and North America. Our struggles are fundamentally the same. So if the Quebec people are a mature people, they will give the Aboriginal people what they themselves are claiming.

In terms of strategy, there are others, but the one that I personally would like to see carried out is that these negotiations be public in order to demonstrate to Quebecers and Canadians that these are indeed negotiations that are legitimate.

COMMISSIONER PAUL CHARTRAND: Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you, Chief Kurtness. I think we have had an opportunity to establish an initial contact and dialogue. We hope that you will continue to develop your thinking. As I have had

occasion to tell you, we hope to have an opportunity to continue, in further public hearings.

I think you have given us some interesting food for thought, for example on the issue of land claims negotiations. Thank you.

RÉMI KURTNESS: I must thank you.

CO-CHAIR RENÉ DUSSAULT: I would now like to ask the Barreau de Québec, Mr. Denis Jacques and Ms. Marie-France Chabot, to come and meet with us at the table to make their presentation.

Good morning and welcome. We are sorry about the slight delay in the schedule.

DENIS JACQUES, BARREAU DE QUÉBEC: Good morning, Ladies and Gentlemen of the Commission. My name is Denis Jacques. I am a member of the executive and the Board of Directors of the Quebec City Bar.

First, on behalf of the Board and the bâtonnier, who is unable to be here today, as he is tied up abroad, we wish to thank you for the invitation you conveyed to us, which we readily accepted, to make a presentation to you and to participate in the proceedings of the Commission.

Our Barreau comprises 2,500 advocates working within the territory of Quebec City, and it is our opinion that it is consistent with its mandate to become

involved in an issue as important to society as the Aboriginal situation.

The presentation by the Barreau de Québec will be made today by Ms. Marie-France Chabot. Ms. Chabot is, in the first place, a psychologist; she worked as a therapist and teacher in psychology for 10 years in the junior colleges. She is an advocate in the Barreau de Québec and has some experience in Aboriginal law, experience that she acquired in the Quebec Department of Justice, in the Aboriginal law branch. She is now responsible for practice training at the Faculty of Law of Laval University and, as such, she teaches advocacy techniques and provides course counselling to Aboriginal students enrolled in the undergraduate course in law.

Within the Barreau de Québec she is a member of the alternative dispute resolution committee, the purpose of which is to promote negotiation and mediation. Within the Barreau du Québec, the provincial Bar, she represents the Barreau de Québec on the task force on Aboriginal law.

The presentation by Ms. Chabot is entitled "[TRANSLATION] For equitable conciliation of the interests of the Aboriginal and non-Aboriginal peoples of Quebec".

I will now yield the floor to Ms. Chabot.

MARIE-FRANCE CHABOT, BARREAU DE QUÉBEC:

Thank you, Mr. Jacques.

Mr. Chairman Dussault, Mrs. Wilson, Mr. Chartrand, I apologize first for not having submitted a copy of our brief, which is currently in a draft version but will follow within the next few days. I will try to be as clear as possible and to structure my remarks in such a way that the lack of a text does not impede your ability to follow me.

Essentially, the central theme of our brief, as my colleague was saying, is the need for an equitable conciliation of the interests of the Aboriginal and non-Aboriginal peoples. We will be addressing the issue of regard for the legal and political history of Quebec. We intend to draw the Commission's attention to certain specific features that differentiate Quebec's non-Agreement lands from the rest of Canada. We will briefly touch on the French regime, of course, which is a part of this specificity, and then look at how the legal vestiges of the French regime were maintained by the British Conquest and Canada, and how we are therefore in a situation of continuity in this area.

We will then go into what we identify as the risks that now exist in light of certain documents. In a way one feels some temptation to rewrite history and

look at Quebec's non-Agreement territory through spectacles that are in fact more adapted to the common law provinces. The Barreau de Québec is worried that we are re-writing history and, when all is said and done, looking at our territory in a homogeneous way, as is done, of course, in the Western provinces or Ontario.

We are going to show that in fact, regardless of the historical differences, the different way in which the Aboriginal presence in Quebec has been handled, at the end of the day, when we look at the results, it would be wrong to think that the Aboriginal nations of Quebec are more poorly situated than those in the other provinces of Canada. There is reason to suggest that, on the contrary, they are advantageously situated in comparison with these nations in the other provinces.

We will conclude by suggesting some further lines of inquiry to the Commission.

The context for our intervention is of course not unrelated to some of the aspects referred to in the terms of reference drafted by the Honourable Mr. Dickson. In these terms of reference it was stated that the Royal Commission should analyze the evolution of the relations between the Aboriginal peoples, the Canadian government and Canadian society as a whole, and submit recommendations promoting reconciliation between the

Aboriginal peoples and the rest of Canadian society.

The Barreau de Québec is of the view that this mandate can only be realized if, on the one hand, we adequately take into account the historical and political factors specific to Quebec and, on the other hand, we suggest to both of these societies some models for managing their relations that are respectful of the differences, realistic and mutually acceptable. Incidentally, the Barreau de Québec shares the concern expressed by Mr. Justice Dussault on November 1, 1991 when he addressed the Indigenous Bar Association. He said then: "Equally as important, these solutions must be translated into solutions which work and which are acceptable to Canadian society as a whole."

For some years now we have witnessed the emergence of a new awareness of the problems experienced by the Aboriginal peoples of Canada. This awareness is fostered in part by published writings. In this connection, in addition to the landmark decisions of the Supreme Court of Canada — I am referring to Calder, Guérin, Simon, Sioui and Sparrow — we also have a great many academic publications of historians, anthropologists, sociologists, political scientists and, of course, jurists.

This ferment of ideas has brought to

the surface some major tendencies in the treatment of the Aboriginal problem in Quebec in particular, but in Canada in general. Unfortunately, some of these tendencies are a source of concern to us and are unacceptable, in our opinion.

Apart from the extreme minority thesis that the Aboriginal nations are still sovereign within the full meaning of international law, there are two opposing tendencies.

The first holds that the European colonizers have never really had control of the territory, and are today tenants in North America, the landlords being of course the First Nations. As a consequence of this approach, all of the particular conditions accorded the Aboriginal peoples are presented as a rent potentially payable in perpetuity. In this framework, only a treaty of alienation can disencumber the lands of the Aboriginal interest. And even were such alienation to occur, a duty would devolve on the sovereign to protect the new lands for the benefit of the former owners.

The second tendency assumes that the mere establishment of European sovereignty automatically wiped out all Aboriginal interest in the land. This approach, which is equally debatable, leaves no room for the Aboriginal people in terms of either land rights or

political rights.

The Barreau de Québec is of the opinion that neither of these tendencies offers an appropriate solution for the future. However, in its view, a more realistic and accurate consideration of history — particularly Quebec's — would help situate things within a fair perspective and envisage the future without rewriting or falsifying history. Notwithstanding the difficulty of doing so in these days of political correctness, the Barreau believes it is necessary, in approaching the Aboriginal problem, to take into account interests other than those of the Aboriginal peoples alone.

I come to the heart of the brief, which is entitled, accordingly, "Regard for the legal and political history of Quebec".

A glance at a map of Canada illustrating the treaties that have been negotiated quickly discloses a gaping hole: a major part of Quebec's territory is not covered by treaties, in contrast to the lands subject to the James Bay Agreement and in contrast to the situation in Ontario or Manitoba, Alberta or Saskatchewan and part of British Columbia. Some maps produced by the Department of Indian Affairs also state, in defining the limits of Quebec as those that pertained to the colony of 1763, that that section of Quebec is exempted from the alienation

provision in the Royal Proclamation of 1763. This map therefore reflects a reality.

The essential thing we wish to do is to draw the Commission's attention to the risks involved in a particular interpretation of this lack of treaties covering the rest of Quebec's territory.

Does this mean, then, that the rest of the territory, which has not been alienated to the Crown by the Aboriginal peoples, is even now, in 1992, encumbered by Aboriginal rights? In the opinion of the Barreau de Québec, it would be an error to deduce from this systematic voluntary omission that Aboriginal rights have necessarily survived on this land. In our view, a careful examination of Quebec history before and after the Royal Proclamation of 1763 points to a different conclusion.

The French regime.

Quebec is the only province in Canada to be occupied and colonized by France, and to have its boundaries circumscribed by the Proclamation of 1763. This is not an inconsequential fact, given the terms of the Proclamation itself and the rules of state succession.

The political and legal procedures used by the king of France to allow colonization were radically different from those used in the common law provinces. As we will see later, however, this difference did not

ultimately penalize the Aboriginal people of Quebec. Such is the conclusion of a study of the history, laws, court decisions and certain positive acts of the French and English governments.

In the St. Catharine's Milling case, Mr. Justice Taschereau of the Supreme Court of Canada, as a judge of civilian origin, made his analysis of the French regime. What he said, essentially, was that when the king of France granted seigniorial lands, he had no thought whatsoever of ultimately transferring a seigniorial title that would be encumbered by an Aboriginal interest. That is not how things were conceived. In fact, what was understood was that the owner of the seigneury would eventually have to come to terms as best he could with an Aboriginal presence, but the title conveyed by the Crown was not encumbered.

What the king of France did parallel to this was in fact, in his systematic and legal logic, to grant seigneuries of very substantial surface area to a number of nations in Quebec. He therefore transferred them explicitly under the management of particular religious communities.

This particular regime may be understood by consulting, for example, a 1918 decision of the Supreme Court, King v. Bonhomme. This case concerned

some Mohawks, but it is the known rationale of the French land allocation system that is examined in this case, and it is clearly stated therein that one cannot prescribe against the Crown, acquire a title by mere occupation, that for lands in the public domain to pass to the private domain there must be an express grant.

As early as 1763 and the Royal Proclamation, the issue that was posed in fact was whether there was an interruption or continuity in relation to that system. The wording of the Royal Proclamation — without overly simplifying it I will refer to the Sioui judgment of 1990, the reasons of Mr. Justice Lamer — tells us that the king at that time reserved two types of lands for the Aboriginal peoples: outside the colony of Quebec, Indian lands, and hence very extensive, and within the territory of the colony he reserved for them a category of lands that he termed "permitted settlements". So already, in the words of the Proclamation, we find an element of continuity, at least for the interior of the colony.

What happened subsequently? The actions of the executive or the legislature might have contradicted this impression that we derive from the text. The view of the Barreau de Québec is that there was continuity. Here are a few examples, which will be developed further

in the version of the brief that will be submitted to you.

In 1784 Governor Haldimand, who was receiving claims from the Mohawks of Saint-Régis, asked them: "[TRANSLATION] Do you have title?" He told them: "[TRANSLATION] I have searched in the archives and I have found nothing. In my opinion, you do not have title. However, we are not people who do not take your needs into consideration. We are going to grant you, by grace, not by right, the Dundee Lands," substantial lands. So there is this first element.

Later the government, under the United Canadas in 1840... at that time Lower Canada and Upper Canada were reunited under a unitary government, a unitary parliament. Now, strangely, in 1850 the Parliament of the United Canadas enacted two distinct Aboriginal lands statutes, on August 10, one for Lower Canada and the other for Upper Canada. The one for Upper Canada provided a conveyancing procedure. It generally corresponded to the Indian lands. It provided a procedure for conveyancing, for negotiations to be conducted with the Aboriginal peoples to get from them, ultimately, a clear title that could be used to grant lands to the colonists. The Lower Canada statute contains no such conveyancing procedure. It provides only for a commissioner who is to manage the lands already reserved, appropriated or occupied by the

Aboriginal peoples.

Subsequently, consistent with the logic of the French regime, a statute and orders in council were enacted that granted lands to the Aboriginal nations of Quebec. In 1853, for example, they granted some lands to the Algonquins, they created some reserves at Maniwaki and some lands of substantial size.

During this time, in the 1850s and subsequently, they continued to negotiate treaties with the western provinces. In Quebec, to continue the characterization of the particular system of land ownership of the Aboriginal nations, we still see today some vestiges of the way they acted, without there necessarily being treaties.

The Conservation and Development of Wildlife Act and its predecessors have always reserved a special hunting and fishing status for the Aboriginal nations. Even today there are still some exclusive hunting and fishing rights on the beaver reserves which, as the previous speakers mentioned, cover very large areas. These rights are not available to non-Aboriginal people. So the Aboriginal person who goes on a beaver reserve can hunt and fish freely at all times of the year for his subsistence.

Furthermore, in fishing matters

specifically — although it is within federal jurisdiction, since 1922 it is the province of Quebec that administers the act — in that framework, the Aboriginal peoples are allowed a subsistence fishing licence. For many, many years Quebec has been negotiating agreements with the Micmac and Montagnais nations, among others, agreements that it finances itself although it is within federal jurisdiction.

From all of these factors — and many examples could be given — we conclude that it would be false to say that because we have come by different roads we have arrived at a system that works to the disadvantage of the Aboriginal people. It would be equally false or inadequate, in our opinion, to view Quebec's situation in the same way as that of the common law provinces.

The temptation to rewrite history.

If we were to follow, therefore, the first tendency described at the beginning of this brief, we would be ignoring the whole bundle of events, laws and legislative, executive or judicial actions, and rewriting history from a new standpoint. We would be imposing on contemporary Quebec the burden of paying today's prices for lands that elsewhere in Canada were acquired, relatively speaking, for next to nothing.

The document that I have in my hand,

which is from the Research Branch of the federal Department of Indian and Northern Affairs, dates from 1979. It contains a table of treaties between the Indians and the Sovereign in right of Canada. Looking at the benefits that were granted to the Aboriginal peoples in exchange for their lands, we find examples such as $25 per year per chief plus $15 per year per Indian plus one suit every three years for the chiefs plus ploughing implements, etc.

Comparisons are always awkward, but today, if we think of the situation in Quebec, when we think of the scope of the James Bay Agreement, the costs that this Agreement occasions, and thus today's rates, it is quite outrageous to think that the government of Quebec, notwithstanding its entire past history and the system of rights held by the Aboriginal peoples, should negotiate as if the failure to sign treaties was an omission, an oversight. This would mean taking the position that since 1763 the authorities have been negligent, unfair or incompetent in the extreme.

This might occasion a collective guilt trip but, in our opinion, there is not only no reason for such contrition but it is completely beyond the financial means of the Quebec and federal governments.

This approach of the Barreau de Québec is in no way intended to deny the existence of some

problems. It is perfectly plausible that some nations in particular need more lands. It is perfectly acceptable that some problems need to be corrected. That is not the issue. The issue here that the Barreau is addressing is: On the basis of what concepts does one tackle the matter? On the basis of what obligations are we operating?

The Barreau de Québec would hope that the Commission will handle with care this issue of the juridical value of the land claims of the Aboriginal peoples of Quebec, and do so in a way that is mindful of history.

I am going to go quickly, but we benefit — I think the Commission may have access to this document — from a document that was presented by Professor Bradford Morse to the Commission on the Accession of Quebec to Sovereignty; Professor Morse is from the University of Ottawa. In this document he demonstrates very eloquently that the situation of the Aboriginal nations is in many respects not only at least as favourable but more favourable than that of many Aboriginal nations in Canada. And this, I repeat, does not deny the existence of problems: it puts things in perspective.

Here are two or three examples. Quebec lands exclusively reserved for the Aboriginal peoples cover 14,770 square kilometres, 95 percent of which are

covered by the James Bay Agreement. This total area is much higher than in any other province.

The Aboriginal languages are in a much better situation in Quebec than in the other provinces. Eight languages are still spoken. The Charter of the French Language recognizes, in its preamble, the right of the Aboriginal peoples to preserve and develop their own languages and culture. The Charter of the French Language exempts the reserves from the operation of its rules. It also protects the rights of Aboriginal peoples under the James Bay Agreement to educate their children in their own language.

There are a number of other examples. In the area of health care, for example, although Aboriginal peoples are under federal jurisdiction, Quebec spent $555,508,480 in 1990-91 through its Department of Health and Social Services. Another example is that Quebec enacted special legislation allowing the Mohawks of Kahnawake to erect a hospital at Quebec's expense and to administer it themselves taking into account their specific needs.

Quebec is also, according to Mr. Morse, the leader among Canadian provinces in funding the economic development of the communities, the first province to agree to negotiate a modern treaty, and the provincial leader

in self-government.

In concluding, the Barreau de Québec wishes to suggest the approach that in its view should be favoured by the Commission. This approach is a combination of several concepts, including: autonomy, yes, but with responsibility; the concept of researching and developing convergent interests between non-Aboriginal and Aboriginal peoples; the concept of a contribution to and participation of the Aboriginal peoples in society as a whole, thus not only a situation of recipients of rights, but also of actors; a fourth concept, mutual respect in interdependent cohabitation; and also mutual agreement to subject ourselves to common rules of law, reasonable rules of law in a modern, free and democratic society.

I am going to refer by way of analogy to three decisions of the Supreme Court that provide us with approaches that the Barreau de Québec considers very appropriate.

To begin, the Sioui decision, which is particularly relevant in these premises. According to the justices of the Supreme Court, in matters involving the land rights of the Aboriginal peoples, for example, the approach that must be adopted is not necessarily the one preferred by the Whites or the one preferred by the

Aboriginal peoples, but the approach that reconciles or comes closest to reconciling the interests of both parties. As the Supreme Court says, it should not be an approach that paralyzes the development or economic survival of the majority society. If white society, or the non-Aboriginal society, is paralyzed, it may of course provide some momentary feeling of strength, but in the more or less long term it also endangers the Aboriginal society, given that it is interdependent with the other.

The second judgment is the Kruger judgment. In this judgment, Mr. Justice Dickson stated, in part — it is a conservation case — that it is in the interest of the Aboriginal people that conservation laws be enacted, and that protecting species of fish means at the same time protecting in the long term the culture and food self-sufficiency of the Aboriginal people. So there is a convergence of interests here, too. These ideas were echoed in the Sparrow judgment.

But the essential thing in the Sparrow judgment — with which I conclude before really concluding, overall — is the statement that, although the Aboriginal people have constitutionally guaranteed rights, they are not above the laws and that it is only exceptionally, when a law is unreasonable, when its contemplated purposes are unconstitutional, that such laws will be rendered of no

force or effect. Otherwise, pending proof to the contrary, they apply to them.

In conclusion, over and above the political reconciliation of the respective interests, we must also think about identifying cohabitation processes, decision-making processes, management and conflict resolution processes. In this connection, there is some improvement to be made in the framework of relations between the Aboriginal and non-Aboriginal peoples, as there is between Whites.

Thus, if the Aboriginal peoples are not to feel dominated and lacking in power over their destiny, it is necessary, among other things, that the social institutions be credible to them, and that they give the Aboriginal people some reasonable access to the power of decision. It is in this sense that we consider that the bicultural character of institutions — for example, the Dussault-Erasmus Commission itself is composed, in part, of both cultures — is an approach that is very attractive to the Barreau de Québec.

On the other hand, to the degree that the courts — even if they were bicultural, as we see in New Zealand, for example — are not the ideal forum, as the Supreme Court said, to deal with issues that have more to do with a social issues agenda, the Barreau de Québec

would point out that, in its view, mediation and the other alternative means of peacefully resolving conflicts are the most appropriate.

Thank you.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you, Ms. Chabot and also Mr. Jacques, for a substantial presentation that you have succeeded in making accessible in the half-hour that was assigned to you, and we much appreciate this. We will certainly receive your brief with much interest, study it, and no doubt will have an opportunity to come back to you and discuss further the fundamental issues that you have raised.

I understand in this case that it was a brief from the Bar of Quebec City and not of Quebec.

MARIE-FRANCE CHABOT: Of Quebec City.

CO-CHAIR RENÉ DUSSAULT: Very well. I point this out in order to avoid any confusion.

Given the time, I would personally like to thank you and perhaps ask my colleagues if there are any particular comments. I know that we could have a very interesting discussion, but once again, thank you.

Paul Chartrand.

COMMISSIONER PAUL CHARTRAND: Thank you very much. [English follows]

[English]

MARIE-FRANCE CHABOT: It is difficult to give an exact answer to your question as I cannot accurately measure the scope of the problems raised elsewhere. However, if I begin by referring to the situation as it was, for example, in the middle of the 19th century -- because there were other commissions of inquiry that dealt with the same subject -- the commission that submitted its report in 1845 and 1847 made an observation quite similar to ours; specifically, it stated, "[translation] In Lower Canada, the nations and their territorial rights seem to be clearer; they live together

in smaller areas, and a *modus vivendi* has been attained that seems to work fairly well, although there are still some problems." The commission was referring to the Algonquins in the Outaouais region, who found they were not being treated the same as Algonquins in Ontario. On the other hand, the *modus vivendi* for the west had yet to be determined.

More directly, we are not saying that Aboriginal nations in Quebec are more satisfied or consider their situation better; rather, what we are saying is that the situation must not be examined with an analysis grid that would say the starting point for their situation is this: their ancestral rights have not been recognized, and transfer treaties have not been negotiated; in other words, the situation is a failed one.

What we are hoping for from the Commission is that you will look at the situation of the nations in Quebec and perhaps consider more than the path taken or the method used,

looking instead at the results. We argue that objectively speaking, if consideration is given only to such issues as land areas, to which Aboriginal nations in Quebec . . . that is not to say they have enough, when we compare the land areas to which they have access with those to which the nations in other provinces have access, we say that they are in no worse position than Aboriginal peoples in the west and in some respects are even in a better position.

This is not an attempt to deny that there are problems or even the fact that in the case of some specific nations, there are needs greater than what the nations have access to at present.

I hope I have answered your question.

COMMISSIONER PAUL CHARTRAND: Thank you very much for expanding. I am very much looking forward to reading your brief.

MARIE-FRANCE CHABOT: Thank you, Mr Chartrand.

CO-CHAIR RENÉ DUSSAULT: Thank you again for your presentation. We hope we will receive your brief as soon as it is

available. We will look at it carefully.

MARIE-FRANCE CHABOT: Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you.

We are adjourning the Commission's proceedings until 1:45 pm. We will be starting at 1:45 sharp because we have to end at 4:00 pm. Thank you.

-- Proceedings adjourned for lunch at 12:53 pm.

-- Proceedings resumed at 1:58 pm.

CO-CHAIR RENÉ DUSSAULT: If you will take your seats, we will resume.

I would like to ask Johanne Robertson to come forward and present the brief from the Institut culturel et éducatif montagnais [ICEM, Montagnais cultural and educational institute].

Ms Robertson.

JOHANNE ROBERTSON, INSTITUT CULTUREL ET ÉDUCATIF MONTAGNAIS: Florent Bégin is here with me.

CO-CHAIR RENÉ DUSSAULT: Good afternoon, Mr Bégin.

FLORENT BÉGIN, INSTITUT CULTUREL

ET ÉDUCATIF MONTAGNAIS: Good afternoon.

JOHANNE ROBERTSON: Let's get started.

The Honourable René Dussault, commissioners, distinguished guests and observers, friends, Native brothers and sisters, allow me to begin by thanking the Royal Commission on Aboriginal Peoples on behalf of the ICEM and the entire Montagnais nation for listening openly and attentively to what I am about to say to you and for enabling the Montagnais nation to express its tremendous pride in being a people that participates actively in the development of society as a whole.

The message we will be conveying here today will be given in complete honesty and with deep respect for the memory of those who came before us, our ancestors, and a deep sense of hope for those who will follow in our footsteps. Our remarks will pertain mainly to education and culture, two critical elements in the future of the nation.

What the Montagnais nation expects from the Royal Commission goes beyond

mere dialogue. We expect strong, tangible feedback to government officials so that we may take full and genuine control of our destiny in the areas of education and culture.

The socio-political context of our land, a land that Canadians call "Canada" and we Montagnais call "Nitassinan", no longer allows us to remain independent of government decisions affecting us. To grasp the full depth of our message, we respectfully request that you keep a very open mind, something those who listened to us many years ago did not do, unfortunately, and have yet to understand.

We have to propose and put forward concrete means and actions to ensure a better future for all of Canadian society. I think this a responsibility we share equally.

What we as an Aboriginal organization want is to help the Commission draft recommendations

aimed at ensuring the full autonomy of our nation in the areas of education and culture. You know, your commission has once again created among Aboriginal peoples and especially for us Montagnais hope and expectations about our future. We are convinced this time that you are acting in good faith, and we know that you have no intention of disappointing us.

I would like to talk to you a bit about the ICEM. The ICEM was created in 1978 out of the desire of the Montagnais nation to co-ordinate its actions in the areas of education and culture. Our organization represents some 10,000 Montagnais scattered over a vast area that stretches from Saguenay-Lac-Saint-Jean along the North Shore to the Lower North Shore and includes north-central Quebec; I am referring to Schefferville.

More and more Montagnais communities have taken education into their own hands, and others are doing likewise. But our aim is to do more than take administrative control. We want to make the decisions that affect us in the areas that affect us.

Culturally, our nation is recapturing more and more the heritage of our elders. Beyond primary and secondary schools, we teach our children our own values. We pass on to them all the richness of our culture so that they can be proud to be Innu.

The ICEM has become increasingly visible in Montagnais communities since it was created and has taken on a proactive role in educational and cultural development. The extensive consultations on Montagnais education and culture carried out over the past two years and the implementation of specific measures aimed at achieving autonomy in the areas of education and culture are good examples of the ICEM's role.

Today, we are at a critical point in our development. Our nation wants to continue to believe that there are people who are truly committed to restoring dignity and pride among Aboriginal peoples, especially the Montagnais, restoring the meaning of the fundamental values that make a people what it should be.

It is with this in mind that the ICEM and all those who truly wish to be our partners plan to focus their efforts on ensuring a better future for the nation, because we really are talking today about a collective future. Having said this, we would like to illustrate the spirit of our brief by quoting an excerpt from the remarks made by Bruce Unfried in the first round of public hearings:

> "[Translation] In my opinion, Canadians have a sense of fair play. They want to correct the injustices and take part in the process of reconciliation. We have just come through a very difficult period of self-examination. I think there are two ways to react. The first is to maintain on to our positions and deny the racism and discrimination. The second is to look at the situation squarely and decide to involve ourselves in the

process of change."

Clearly, our organization has opted for the second way.

We fully realize that in order to make these changes, we Montagnais have a responsibility to restore the balance of the great circle, the four main axes of which are the political, social, economic and of course cultural worlds. We can shift these axes in other directions, such as the plant, animal, mineral and human worlds.

In keeping with on our principles, Aboriginal principles, all these axes must develop in perfect harmony in order to foster a sound environment for the development of individuals and the community. At present, we are all in a period, a time, a space where these axes are unbalanced. All of us, Aboriginal and non-Aboriginal alike, have a responsibility to restore the balance between these worlds so that we can live in perfect harmony in an environment that corresponds with the true values of life.

For the ICEM, even though our

responsibility is primarily related to education and culture, we want to work jointly and actively with other sectors so that our social plan results from pooling our expertise, our knowledge, our interests and especially our faith in a promising future for our nation.

It was in this spirit that the Collège Manitou project came into being in the 1970s in Quebec and created in young people of the day and in the minds of Aboriginal leaders of the day a passion for the Amerindian cause. That was probably the beginning of the real Aboriginal movement in Quebec.

That experiment was criticized by some and praised by others, but it did give rise to the first post-secondary institution managed by Aboriginal people, and in this respect it was much more than a mere instrument of cultural and political affirmation.

The failure of the Collège Manitou is very telling. A working paper

entitled "La formation universitaire des autochtones: contexte et vision de développement" [University training for Aboriginal peoples: context and outlook for development], commissioned by the ICEM in July 1991, included an analysis of the Manitou project by Jean Beaudoin and identified a number of factors which may have contributed to the failure of the Collège Manitou. Included in these factors are the absence of an analysis of the real needs of the communities in terms of training and as a result the relevance of the programs, counter-lobbying by federal public servants regarding the quality of the educational services offered by the college, financial problems, of course, the colonial attitude of a number of employees of the Department of Indian and Northern Affairs and the limited range of the curriculum.

I would like to draw your attention to another experiment that is much closer to us and that was just completed, the partnership between our institute, the ICEM, and the University of Quebec at Chicoutimi.

Within the framework of the land negotiations of the Council of the Atikamekw and Montagnais and self-government and in direct reference to the control of our

institutions in the areas of health, social services and education as well as many other sectors, this partnership gave rise to many university programs aimed at Aboriginal people in the workplace. Over six years, the ICEM handled all academic training and taught almost 350 students, more than half of whom received a diploma. This partnership was created in 1985 and officially ended in 1991.

Unfortunately, the main reason the ICEM's training activities came to an end was a directive from the head office of the University of Quebec to stop delegating teaching duties to our institution on the grounds that there was a conflict with Quebec's legislation on university education.

These two experiments alone made it clear that bad faith on the part of federal public servants led to failure of the Manitou project and that despite their involvement, educational institutions have not yet offered an effective response to the real needs and basic requirements of communities in the process

of "Amerindianizing" education.

Moreover, the experiment involving the partnership between the ICEM and the University of Quebec at Chicoutimi clearly shows the bad faith of officials of the Quebec university system when our organization became a threat to their institution.

As to legislation, it is a well-known fact - and a very common practice in both levels of government - that when a statute becomes outmoded or does not really meet the needs of society, we can overhaul it completely or simply introduce new legislation. But of course, the will has to be there.

For our purposes, the conclusion to be drawn from this is that Aboriginal people must have real decision-making power over education.

The decision by the federal government to create the Royal Commission on Aboriginal Peoples was, we must admit, a wise and honest one. This process should have been initiated many years ago, but we are nevertheless glad that the

federal government made the decision and is taking a close look at Aboriginal dynamics.

In concrete terms, the Montagnais nation set aside time to reflect on education and culture and subsequently developed a plan for the future. In February 1991, education and culture representatives from Montagnais communities decided as a group to launch extensive consultations aimed at developing clear and specific guidelines in the areas of education and culture.

In concrete terms, this broad initiative became a systematic consultation of the nine Montagnais communities in which 15 different target groups in each community participated by stating their views on at least 15 major issues.

In concrete terms, two major directions were identified, and I would like to state them here because they are important. In the area of education, the orientation of the Montagnais nation is aimed at ensuring that all Montagnais have access to their own education system, taking into account the requirements

of the social and cultural environment, so that they can reach the goals they have set as individual members of the nation. In the area of culture, the orientation of the nation is aimed at ensuring that all Montagnais are proud of their identity, display a sense of belonging to a common culture and assume their responsibilities as members of the nation.

In concrete terms, the Montagnais nation has developed an orientation and actionplan and acquired new tools that reach community members more directly by creating local and regional committees that include bona fide specialists in education and culture whose respective roles are to attain the nation's ultimate goal, which is of course autonomy in the areas of education and culture.

In concrete terms, these local and regional committees are responsible for such important matters as evaluation of the existing education system, curriculum development and the production of teaching material, training services for post-secondary students, qualified Aboriginal teaching staff,

implementation of professional education services, language development, control of cultural development, the establishment of cultural facilities in our communities, the development and co-ordination of research, support for Montagnais artists and artisans, and cultural promotion.

In concrete terms, all these issues are translated into specific objectives and are an integral part of the nation's orientation and action plan.

In concrete terms, to safeguard, promote and disseminate its traditional and current language, the Montagnais nation wants to set up its own Office de la langue Montagnaise [language board].

In concrete terms, to support Montagnais artists and artisans, promote and encourage artistic output and thus expression of our culture, the Montagnais nation is working to set up its own foundation for artists and artisans.

In concrete terms, to

preserve and promote its culture and make it accessible, the Montagnais nation wants to take charge of its cultural development and will develop its own cultural development policy.

In concrete terms, to ensure education geared specifically to Montagnais and all Aboriginal nations in a system that takes into account their aspirations, their identity and their intrinsic values, the Montagnais nation is working to establish a structure for post-secondary training for Francophone Amerindian students in Quebec.

In concrete terms, establishing this structure could one day lead to the creation of an Aboriginal post-secondary institution for all Francophone students.

In concrete terms, the Montagnais nation has therefore adopted a clear plan for its future.

However, despite all the vitality and motivation of our nation, despite the determination our organization has shown in implementing our

orientation and action plan, we regularly encounter obstacles at both levels of government.

The Royal Commission on Aboriginal Peoples has a duty to eliminate or at least minimize these obstacles. The Commission also has the responsibility of making a positive contribution to the attainment of our objectives by recognizing the tremendous work done by Montagnais representatives in the areas of education and culture and recommending that concrete measures be taken to support and encourage our quest for autonomy.

In concrete terms, these must be reflected by:

- the preservation and enhancement of the Department of Indian and Northern Affairs' Cultural/Educational Centres Program by recommending additional financial resources that will enable us to meet our objectives;

- the implementation of mechanisms to permit greater co-ordination between the Department of Indian Affairs and education officials with the Government of Quebec by

setting up task forces that will also include Montagnais representatives;

- a more open attitude on the part of non-Aboriginal secondary and post-secondary educational institutions toward the acceptance and training of our students by creating structures that foster their integration, their development and their success in those institutions;

- the exercise of our authority in the area of culture and cultural development by clarifying the question of cultural jurisdiction regarding Aboriginal peoples, recognizing the value of our forthcoming policy on culture, validating our efforts to take charge of our cultural development, and enriching current programs and creating new programs that deal with the promotion, instruction, development and use of the Montagnais language;

- the establishment and full control of our institutions in the areas of language and support for artists and artisans by supporting the creation of our Office de la langue montagnaise and our foundation

for artists and artisans;

- the establishment of our own cultural facilities in the Montagnais community by financially supporting both the establishment and the operation of those facilities;

- training for our human resources in the areas of education and culture by setting up curriculums that take into account the realities and unique cultural features of the Montagnais community;

- the creation and full control of our own post-secondary educational institutions by supporting the establishment of a structure for post-secondary training of Francophone Amerindian students in Quebec and fostering the eventual creation of an educational institution.

These are only some of the directions that will guide your commission in drafting its recommendations, and the relevance of this commission will not have any real meaning unless the product of its work can be translated into specific actions.

In closing, I would like to thank the members of the Commission for giving us this historic opportunity to express our views.

We would like to end our presentation with a little story that clearly illustrates the individual responsibilities each member must assume and thus contribute to the development and growth of the community. It was a time when everything in my mind was black. I had no idea where I was going or how I was going to make it. Despair, violence, alcohol, drugs and even thoughts of suicide had literally seized my mind. I had lost all control. One day I met a wise man. He told me to close my eyes and ease my suffering. He made me picture

myself at the beginning of a path. I took the path and ended up at the top of hill. The wise man then asked me what was on top of the hill. An Indian camp then appeared before me. The wise man told me to go in, and I did so immediately. A wise old man sitting at the back of the camp invited me to sit down. I asked him two questions.

- "Why am I here?"

- He replied, "The great spirit brought you here."

- "Tell me, what is the meaning of life?"

- He replied, "You are the meaning of life."

The Montagnais nation, the ICEM

and all members of the nation want to take on their respective responsibilities in order to ensure a better future for all young Montagnais and future generations.

Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you, Ms Robertson, for presenting that substantial brief. I would like to begin with a few general questions.

If I understand correctly, the ICEM is an organization funded by a Department of Indian and Northern Affairs program.

JOHANNE ROBERTSON: Well, that's the main . . .

CO-CHAIR RENÉ DUSSAULT: The main source of funding?

JOHANNE ROBERTSON: . . . source of funding for the institute's operations. So using these funds, which are not really substantial, we are able to run the institute and then go out and look for

other sources of funding for the projects we submit to the various federal and provincial government departments.

CO-CHAIR RENÉ DUSSAULT: Can you tell us how many employees there are? If I understand, the institute has its headquarters here in Loretteville?

JOHANNE ROBERTSON: The institute's headquarters is in Mashteuiatsh, Pointe-Bleue. The administrative centre, for tax reasons because most of our employees are Aboriginal and geographic reasons because it is a central point for member communities, is in Huron Village.

We have a dozen permanent employees and work with various consultants on contract. I feel it is important to point out that we have a base in each community through committees that work with members at a grassroots level. This is how we can manage even with such a small team to carry out so many projects and activities.

CO-CHAIR RENÉ DUSSAULT: Do you have a board of directors made up of representatives from each Montagnais community, the nine communities?

JOHANNE ROBERTSON: Yes. Allow me in response to your question to mention the general assembly, which is made up of education and cultural representatives of each of the nine communities. These representatives are designated by their band councils. This means they can just as easily be politicians as principals or educators. The general assembly elects a board of directors representing the geographic regions of the nation.

CO-CHAIR RENÉ DUSSAULT: You mentioned in your brief some problems with programs in public school boards and also private institutions. Do you as an institute have any contact with the education sector in Quebec regarding the content of programs, because I think that a majority of Montagnais basically attend schools that are part of Quebec's public system.

JOHANNE ROBERTSON: We have to have contact. It is not always as interesting as we would like.

What I want to say in this brief primarily is that at present, through this contact that we have, we have been able to set up a number of post-secondary programs that meet the expectations of the Montagnais communities. I would like to give an example. We have a program in nursing care at a college in Chicoutimi. So there is no question that we want our students to receive a good education and be able to work anywhere. We do not want programs that only lead to jobs in the communities. So once they finish, these nurses will have a diploma and will take the professional exam.

What we have done is improve the program -- it is done over four years instead of three -- to ensure that our students are in homogeneous classes and have access to training structures that will guarantee our success. We began with 12 students, and four years later, we will end -- they are about to graduate -- with nine students.

Now that's success.

CO-CHAIR RENÉ DUSSAULT: Just a minute. This is a program affiliated with a Cégep?

JOHANNE ROBERTSON: Yes.

CO-CHAIR RENÉ DUSSAULT: So it's within the framework of an institution . . .

JOHANNE ROBERTSON: That's correct.

CO-CHAIR RENÉ DUSSAULT: ... but it's just for Montagnais. The 12 students are Montagnais students?

JOHANNE ROBERTSON: Yes. We also have a few Atikamekw students.

CO-CHAIR RENÉ DUSSAULT: OK.

JOHANNE ROBERTSON: The ICEM -- and I would like to make this clear -- would like the programs to be offered not just to Montagnais, but to anyone who is interested.

So this is an example of success. An example that is not completely successful is the partnership with Chicoutimi, where we want more than that. We want

more than to be mere advisers to mainstream institutions trend so we can tell them "Do this" or "Do that". We think we have reached a stage where we are capable of controlling our education or providing instruction, and we go so far as to hope that we can accredit that education.

The authority to accredit or grant diplomas is currently delegated to the Quebec minister of education, and when we try to make changes in program content, we constantly come up against those laws.

So I think that what we want is to have a good education, diplomas that are competitive but that respect our cultural identity, our values, our language and all the things I said in the brief. This is what we want.

CO-CHAIR RENÉ DUSSAULT: Now basically, to make this perfectly clear, there are probably two options: influencing the programs and ensuring that they are geared to meet specific and special needs, programs that are in general public educational institutions

like the University of Quebec at Chicoutimi, or take actual teaching into your own hands, not just the curriculum, but the actual teaching.

What you want is to be certified so that you can grant diplomas yourselves?

JOHANNE ROBERTSON: Let's say that that is not the top priority. It might be one day, because we still see a problem with the accreditation of education, and that problem is especially evident at the primary and secondary levels because we have jurisdiction in band councils, which means its a federal sub-jurisdiction. Band schools have taken control of education, and the fact remains that diplomas are still accredited by the Quebec government. So the problem is more obvious than that; when we try to change the program, the curriculum, we encounter all sorts of problems because the diploma is accredited by the Quebec government.

Another problem -- and I recently wrote

to the Minister of Education but incidentally have not received a reply -- is that when we come looking for funds for specific projects or programs that we want to introduce, we are told, "You're under federal jurisdiction. Go see Indian Affairs." And Indian Affairs tells us, "You are currently in negotiations", -- because I am speaking of course about the Atikamekw and Montagnais nation -- "Put it in your negotiations and we'll see." More and more, Indian Affairs, as you know, is shutting down divisions, scrapping programs; and these programs, especially those involving curriculum development, are very important to us. So we encounter that problem a lot.

Now, to get back to post-secondary education, the two options are to continue, of course, to have good relations with mainstream educational institutions, but the example I give you is that when we get too important, they see us coming with our big shoes and taking on a more and more important role in those institutions; we become a threat and

citing legislation or conflict with the law, they ask us to get out and close our doors.

CO-CHAIR RENÉ DUSSAULT: I would just like one more piece of information.

The partnership you had with the University of Quebec at Chicoutimi, did it consist in your involvement in teaching, not just program design, but your employees, or else contractors under your jurisdiction participated fully?

JOHANNE ROBERTSON: That was really the process from A to Z, because at the time, when we started that partnership, the university was very open, but it maybe didn't think we were going to become as important or that we would have so much credibility. In the end, they sort of got caught at their own game.

It went as far as identification of the need, to analysis of the need, program design and teaching.

CO-CHAIR RENÉ DUSSAULT: They were programs in various areas?

JOHANNE ROBERTSON: We had programs in administration, psychology, social development and band management. They were aimed primarily at Aboriginal people who were already working and sometimes came to the university to take theory courses, and other times the professors, the team, went to the communities to monitor the practical work.

CO-CHAIR RENÉ DUSSAULT: I have one final question to fully understand what caused the breakup of the partnership, because they were University of Quebec programs and therefore the diplomas came from the University of Quebec. Why was the *University Education Act* invoked? I am trying to understand what happened.

JOHANNE ROBERTSON: It's very technical. The route we had taken was a program known as a special stream program. Over the years, the program,

which took on greater significance for us, came under criticism from the authorities.

CO-CHAIR RENÉ DUSSAULT: It was getting away . . . I understand.

JOHANNE ROBERTSON: It was therefore decided to do away with the program and eliminate our training centre, because there were supposed to have been many other ways of keeping the centre open provided the willingness was there.

CO-CHAIR RENÉ DUSSAULT: I see.

Thank you very much.

JOHANNE ROBERTSON: Thank you.

CO-CHAIR RENÉ DUSSAULT: I am going to ask my colleagues if they have any questions or comments.

Ms Wilson.

[English]

[English]

funding, . . . about all our funding or specifically to colleges or an educational institution?

[English]

JOHANNE ROBERTSON: In general.

It is quite clear that with everything we have in the way of programs, activities and objectives the nation has set . . . because what we did, you know, is close our eyes, and what we want to see in the future for our children in terms of education and culture. All this was set out and articulated in an action plan. To carry it out, the means clearly just aren't there.

All we are guaranteed

at present is Indian Affairs' Cultural/Educational Centres Program, which represents $300,000 a year, and it will be announced very, very, very soon that will be losing $80,000 of that $300,000 from our budget. So it's clear that the means are totally inadequate and that we have to go beyond the small existing programs and sit down with the proper authorities so that we can come up with a partnership that will truly ensure that we will meet . . .

Personally, I feel the Montagnais nation has made enormous strides. We have done our homework. We know what we want, we know where we are headed. It's very clear for everyone. And it has been endorsed by each band council and each Montagnais community. All that remains now is to find the allies or partners that will enable us to succeed.

CO-CHAIR RENÉ DUSSAULT: But if I understand correctly, the question is whether in the end you have enough funding to have maximum impact on the existing system. I understand that you want

to play in the end on both boards, that you feel the need to influence the existing education system, the programs offered by school boards, etc, and also establish separate, distinct training programs. It was something like that. Obviously, that then puts more pressure on the need for funding.

Do you feel that both are essential?

JOHANNE ROBERTSON: Perhaps I misunderstood the question.

FLORENT BÉGIN: I would just like to say, if I understand Bertha Wilson's question correctly, that we are currently evolving within a society where there are already established frameworks. Education is established, there are government policies or guidelines that currently exist. It's the same thing with culture. Culturally, however, it's rather complicated because there may not be a clear line between the jurisdiction of the provincial and federal governments.

What I understand from the question -- and I will try to answer the question

as best I can -- we are in the midst of land claim negotiations, we want full autonomy in the areas of education and culture; but before this ultimate goal can be reached -- it's going to be some time yet before the whole issue is settled with the governments, etc -- we have to deal with the institutions in place, with the policies and regulations that already exist. These policies and regulations are preventing us from meeting our goals, our objectives, in the very short term.

So in the short term, we have to work with the system we have and try to improve our training, our cultural development, etc, so that we can eventually have a fairly significant influence on the system and play a more active part in development and of course in the longer term achieve autonomy. It is a gradual process toward autonomy in the areas of education and culture.

I don't know if that answers your question.

[English]

[English]

JOHANNE ROBERTSON: As an aside, when I speak to you about existing educational institutions -- because you spoke to me about funding -- our dialogue certainly goes beyond funding; we speak of changing laws, jurisdictions. But at present, even with these partnerships we would like to develop, it's very costly.

Let's take the example of nursing care I gave you a few minutes ago. Training these nine nurses who are about to finish cost a great deal more than regular programs. It takes a lot of money, but it is such a good investment compared to what is put into some programs and the individuals do one or two years and then find themselves wandering around the community.

CO-CHAIR RENÉ DUSSAULT: Commissioner Chartrand.

COMMISSIONER PAUL CHARTRAND: Thank you very much. [English]

[English]

"together we are stronger".

[English]

[English]

JOHANNE ROBERTSON: Specifically, when you say institutions, the reference is to our plan for an educational institution. At that level, it's true that we are just getting started. We have already done fairly extensive research within our nation, the Montagnais nation, on whether the nation agreed with the project.

We have also prepared a document that we submitted some time ago to the Minister of Indian and Northern Affairs, not in an effort to establish an institution for the

Montagnais nation -- obviously we would not have a big enough clientele -- but what we proposed was to create an institution for all Francophone Aboriginal people in Quebec. It's a bit like the Saskatchewan Federated College in Saskatchewan, which has full control of its programs and services but serves a clientele whose second language is English. So it was in that sense -- and I hope this answers your question -- that we envisaged this project, which is in the very early stages. Of course there will have to be consultations with all Aboriginal nations in Quebec and of course political support, such as the AFN.

COMMISSIONER PAUL CHARTRAND: Thank you.

CO-CHAIR RENÉ DUSSAULT: So, we thank you for presenting your brief. We would like to point out that as you mentioned, there has to be more than dialogue. Education is an extremely important priority, and we want to make sure that if there are additional factors to be considered, you will come to us with

additional briefs. We will be coming back to Quebec, and there is always the possibility that you will be able to speak again.

Thank you.

JOHANNE ROBERTSON: Thank you.

CO-CHAIR RENÉ DUSSAULT: I would now like to ask the Fédération des policiers du Québec [FPQ, Quebec police federation], Jean-Guy Roch, president of the FPQ, to come forward.

Good afternoon and welcome.

JEAN-GUY ROCH, PRESIDENT, FÉDÉRATION DES POLICIERS DU QUÉBEC: Good after, Mr Co-chair, commissioners, and all those who believe the proceedings of this commission will in the future lead to a better agreement between all peoples, Aboriginal and non-Aboriginal alike, and especially with the people we represent.

I would like to introduce Serge Gagné, who is here with me and will be presenting the brief once I give some background.

We thank the Commission

for inviting the FPQ to present a brief to the Commission. We would like you to know that we at the FPQ represent some 4,600 police officers throughout the province of Quebec. Naturally, we represent all municipal police officers. We do not represent police officers in the Montreal Urban Community, who are represented by the brotherhood, and we do not represent officers with the Quebec Police Force, the provincial association.

We therefore represent all other municipal police officers, and the territory we have to work in includes many areas of Quebec that are in close contact with Aboriginal people. We regularly work in "frontier" areas, if you will, with the places where they live, and there are even a lot who live in our territory. I would like to mention a few places, either Châteauguay, naturally -- the police in Châteauguay, Lery, Candiac regularly work in close contact with the Amerindians who live there -- or in Roberval, Lac-Saint-Jean, northwest

Abitibi, or in the Outaouais or Chibougamau, all police officers have to work every day, naturally, have to encounter Aboriginal people and have to try and make sure they understand each other.

What is not included in the brief is perhaps a statement that of all the people we represent -- there are none the less hundreds of police officers who do that job -- no training has been given to tell police officers, "There are traditions and customs unique to each of our peoples and there are ways of doing things, even though we have to enforce the same laws."

This of course is something that can perhaps be looked at. Police officers are always prepared to say, "How am I going to do my job when I have to get involved in a domestic dispute between Aboriginal people?" They may not have to take the same approach when they first arrive, but they have to enforce the same law. For example, violence against women, whether it is on one side or the other, I think it is equally important that women be protected from all this

potential violence.

Without further ado, I will turn things over to Mr Gagné, and we will be glad to answer questions afterward.

SERGE GAGNÉ, FÉDÉRATION DES POLICIERS DU QUÉBEC: Mr Co-chair, ladies and gentlemen, we have prepared a brief that looks at two aspects. We began by reviewing the discussion papers prepared by the Commission on the work done to this point, and then we prepared comments on the very general theme of "justice for all". If you will permit, I will proceed to read this brief beginning on page 2.

As is the case for the vast majority of people in Canada and Quebec, our perception of Aboriginal reality was marked by stereotypes from a certain style of movie, a folkloric view of Canadian history and negative images. In recent years, as we all know, current events have been marked by the renewal of Aboriginal demands, especially in light of the events at Oka and the difficult situation that

seems to have persisted since then, not to mention the demonstrations in other countries aimed at drawing the situation to the attention of the foreign media and thus pressuring the Canadian and Quebec governments.

The basic question before the Commission is self-government, or the inherent right of Aboriginal peoples to govern themselves. In the preface to its discussion paper, the Commission refers to the constitutional agreement of August 28, 1992. You will recall that under that agreement, Aboriginal government was one of the three orders of government in Canada. Chapter 4 pertained to the First Nations and defined that right and the conditions under which it would be exercised.

You will also recall that the agreement was clearly rejected at the polls by the people of Canada, including Aboriginal peoples, it seems; even Manitoba MLA Elijah Harper recommended abstention. The proposal of a third order of government was rejected, as was the convoluted proposal of an elected and equal senate and distinct society status for Quebec. This,

in our view, puts the Commission in a rather unique situation in this regard.

In Quebec in the 1960s and early 1970s, one question frequently sprang to the lips of Canadians, revealing both their irritation and their need for information: "What does Quebec want?" We find ourselves in a somewhat similar situation today regarding Aboriginal demands.

The Commission's discussion paper and report are good for us neophytes in the field, if I may use that expression, in that they identify the basis of the demands and justify them from an Aboriginal point of view.

Everyone agrees that Aboriginal people have been the victims of injustice in the past and are still victims to some extent, if not to a great extent. But the vast majority of Canadians and many Aboriginal people would find it difficult to elaborate on the accuracy of their claims. One thing is certain: even after the last constitutional debate, we are up against a wall of ignorance and

misunderstanding when it comes to this issue.

For example, the first Aboriginal claim is that their rights were violated because the treaties that were signed were never honoured. This is the impression that constantly emerges from the discussion paper prepared by the Commission. What are these treaties, what is in them, where do they apply? Just this morning the headlines of the November 18, 1992, edition of the Journal de Québec said that the chief of the Huron-Wendat nation appeared before this commission and claimed territory stretching from Val-Bélair to Sillery. Beyond the spectacular nature of such a claim, these claims will certainly one day have to be supported and perhaps even evaluated by the courts.

This concern seems to be shared by the Commission, because page 38 of your discussion paper states that many intervenors have called for better public information on the nature of the treaties in order to fight the biased view that Aboriginal people are given preferential treatment.

As one intervenor was quoted on page 29 of the discussion paper:

"Indian leaders do not have all the answers about the future and self-government, but we have many more of the answers than we make the general public believe. It is time to put our cards on the table. We will not have self-government recognized by bluffing the non-Indians or hiding on the reserve. We must come out into the sunlight and tell the world exactly what we are talking about. Of course we run the risk of being told by the general public that we cannot support you. We always run that risk. It is

nothing new. Today we face the choice of either explaining ourselves or losing our rights."

We are obviously not here to discuss, as neophytes to the Aboriginal issue, the accuracy or legal validity of these land claims, but simply -- and this is the conclusion of our first part -- to criticize the lack of information, because ignorance can only create and reinforce prejudice.

We understand that Aboriginal people want more responsibility, if not complete responsibility, for education, social services, health and justice. We hope to touch briefly on this last aspect in the second part of our brief.

Crime, according to some intervenors, as reported in the discussion paper, is related to the great injustices of the past, namely expulsion from the land and failure to honour treaties, realities to which must be added

the breakup of families. Historically relations have been so characterized by injustice and paternalism that many intervenors go so far as to recommend that the *Indian Act* be repealed and the Department of Indian Affairs be abolished outright.

We believe that care must be taken not to perpetuate the same paternalism or, as one intervenor said also in your discussion paper, change white paternalism into Aboriginal paternalism; care must also be taken to avoid the "clean sweep" approach we unfortunately saw in Quebec in the 1960s with education reform, what I myself call throwing the baby out with the bath water.

The important thing for Aboriginal people -- or at least the way we understand it -- is to have a territorial base and a larger territory in which to find solutions to social problems like domestic violence, sexual assault, child abuse, alcoholism, drug abuse and all types of crime, problems that are not exclusive to

Aboriginal people; I think these problems are rampant in our society as a whole.

For the FPQ, Aboriginal people must be full citizens, both under the *Canadian Charter of Rights and Freedoms* and the *Quebec Charter of Human Rights and Freedoms*. Section 15 of the Canadian charter must be enforced; everyone is entitled to equal protection and equal benefit of the law without discrimination, in particular on the basis of race. The preamble to the Quebec charter similarly states that all human beings have equal value and dignity and are entitled to equal protection of the law.

The current constitutional order provides that the Parliament of Canada has exclusive jurisdiction over Indians. It also provides that the provincial legislatures have exclusive jurisdiction over the administration of justice in the provinces.

We set out to present our brief from the perspective of "justice for all". For the FPQ, it is inconceivable that the law would be different or even

enforced differently based on ethnic criteria.

The population rejected a major reform in a referendum. But this does not mean governments have no other options. They now have to focus on -- and I think many comments both to this commission and in the media and public meetings reflect this view -- sectoral agreements, local development and pilot projects.

If reserves were viewed by the federal government as municipalities are by the provincial governments, many solutions would be possible.

For example, are there major obstacles to reserves being able to create their own police forces, if the population justified a force, based on the municipal model, even if it means considering territorial governing bodies, as provided for incidentally in Quebec's *Police Act*? The same would hold for the creation of courts patterned after municipal courts. One court has already ruled that equality for Indians includes the right

to be tried by their peers in a community populated with people who share with them the same culture and values; this was a decision by the Northwest Territories Superior Court.

Crime, domestic violence, alcoholism and drug abuse are not problems exclusive to Aboriginal people, as we said earlier. For example, in the area of domestic violence, the Quebec Department of Justice several years ago issued more restrictive guidelines on police forces' response to incidents. This means society is less and less tolerant of this type of offence. Many Aboriginal intervenors have deplored the phenomenon of domestic violence in their communities; and again, I am referring to the Commission's proceedings as reported. Today's headlines show that there is an upsurge in violence in all communities, primarily because of deteriorating economic conditions.

It would be simply deplorable for the rights of part of the population to be ignored because of

ethnicity, location or any other outside factor.

In conclusion, we can only reiterate our concern that justice and security must be equal for everyone. The police officers we represent have no desire to administer two systems of justice.

CO-CHAIR RENÉ DUSSAULT: Thank you for your presentation. The Commission is delighted to have the opportunity to accept a brief from an organization that represents police officers, especially an organization such as yours, which represents more than 4,000 municipal police officers working throughout most of Quebec.

I think your presence here is very much in line with the desire the Commission has frequently expressed for issues affecting Aboriginal peoples to be discussed with Aboriginal populations, of course, but also with the general public and organizations that represent the main institutions in the provinces. And it is obvious that police forces are extremely important institutions

and very often have front-line contact with Aboriginal populations.

Having said this, I would like to add that as you know, in its broad sense and in all its dimensions, the administration of justice is not only the sixteenth point in our mandate, but also a concern and a priority for the Commission. "Administration of justice" of course means the measures through which police forces enforce the law, as well as prosecution, trials, probation, the correctional system, basically from start to finish; and there are many components.

We will be holding a round table on justice next week. Essentially, the most fundamental question . . . and I would like to go back to page 8 of your brief, the last paragraph, the following assertion, or rather statement, that you make. You say:

"For the FPQ, it is inconceivable that the law would be different or even enforced

differently based on ethnic criteria."

I think we have come to heart of the debate or the confusion that can arise regarding notions and concepts which we know are not always straightforward. Essentially, there are a number of inquiries into the application of the justice system in Canada to Aboriginal people, whether in Manitoba, Alberta or Nova Scotia. What is at issue is whether there is systemic discrimination in the justice system, which of course is designed with the values of the dominant society, and how that system at all levels -- from the police to the courts to trials, sentencing, probation and correctional services -- can be adapted to take into account Aboriginal values and especially the reality of Aboriginal culture.

This is a difficult debate because again I think the supreme courts have told us that equality does not necessarily mean treating everyone the same way because everyone is different.

What we have to do therefore is take the distinctions into account, and once consideration has been given to the fact that there are dissimilarities, treat people fairly based on what they are.

The question I put to you is actually in two parts. You say it is inconceivable that the law could be different or even enforced differently based on ethnic criteria. What do you have in mind when you talk about laws being enforced based on ethnic criteria? Does that mean that law enforcement cannot take into account cultural values, or cultural reality or context because the law is the same for everyone?

I would like clarification -- and I think this is fundamental to the debate -- of this statement that the law cannot be enforced differently based on ethnic criteria because I think there is some ambiguity. Can you clarify your thinking on this point?

JEAN-GUY ROCH: Well, the law itself has to be the same; I think everyone agrees there can be only one law.

When it comes to enforcement, things are different. As police officers, the police officers we represent have to enforce the law. They have the same enforcement criteria for everyone. Whether it is an Aboriginal person or people from another country or whatever, the same law has to be enforced. I think that non-Aboriginal people, Aboriginal people and everyone in Quebec must have the same law enforcement.

What gets difficult is when earlier you mentioned probation and everything. Of course, probation for a non-Aboriginal person may not be the same and provide the same service; probation can be different, I think, in the enforcement of some sentences.

What is very important for police officers is to be able, when an incident occurs, to treat all citizens equally in the sense that if a person commits a particular offence under the *Criminal Code*, first there are the same enforcement criteria for arrests and everything. A person should not enjoy immunity because he or she is an Aboriginal person and is going off to

a reserve. That person has to face the same charges under the law as any other citizen. That is very important.

Non-Aboriginal people who live on a reserve and whatever must also have the same protection. In other words, it must be the same.

Police officers, for their part, do not have to enforce the law differently. All they have to is make an arrest and say, "Something happened and we are taking it to the Crown prosecutor." Only in the judge's decision can there be changes.

I firmly believe that it would probably be a disservice to say that we are going to take a child -- if we are talking about minors -- and put them through this thing or that thing or the other thing. Perhaps it would not be the same; they would have to be treated differently. We agree with that. What we do not agree with concerns arrests. When a police officer has a job to do, he or she has to do it the same way regardless of the

people or where they come from.

CO-CHAIR RENÉ DUSSAULT: In the same vein, for a decade or so police forces in major Canadian cities have felt the need to increase their knowledge of ethnic communities and multicultural communities to enforce the law in a more relevant manner and with greater awareness of what is at stake. The basic issue here in this discussion is concern about knowledge of the Aboriginal reality and Aboriginal cultures, especially when we are dealing with minor offences, not major crimes.

What I would like to know is this: " Has the FPQ -- certainly, because you just presented a brief to us, this is already, I think, an element that allows us to have this discussion -- conduced a review, a study, a more comprehensive examination of operating with a good knowledge of the specific cultural features of Aboriginal communities in Quebec? And they vary from region to region and nation to nation.

JEAN-GUY ROCH: I think the federation reacted quite some time ago to that. However, it reacted in general terms. When we look at the Montreal area, where multiculturalism . . . if we take an area like Brossard, which is on the outskirts of Montreal, 31 per cent of the population is from different cultures. So it's the same.

What we asked for -- and this applies to Aboriginal peoples as well as to what is happening in the Montreal area -- is that there be more and more training. I will tell you that at that point it's not people from other ethnic groups; police officers have to be better trained, and there must be opportunities for interaction and learning how to deal with a problem.

As I said at the beginning, if we go to a family dispute, things are always different from one ethnic group to another; the situation has to be approached differently. That's the problem.

I think it would be easy -- and this is what we are asking for as much as possible, whether at the Nicolet police institute or elsewhere

-- to provide additional training. Police officers working in Saguenay-Lac-Saint-Jean -- I am going to talk about Roberval in particular, which is still fairly close to Pointe-Bleue and all that -- I think they should have training on the people they have to work with, more training on how they can talk to each other, understand each other and be perceptive.

The way a police officer who has to intervene in an incident comes onto the scene and gets involved, the first words he or she uses are critical. That is where there is going to be an understanding of people. When a police officer acts, he or she is often responding to a complaint that is not really serious; but the situation can be aggravated if it is mishandled.

The police officer is not always at fault. Perhaps there should be training and perhaps there should be dialogue between our cultures, especially those who live in the same area.

I am thinking of Chibougamau, which is

still an isolated area, if you will, in terms of policing. I think the Aboriginal people who live in Chibougamau could very easily set up a task force and forum with police officers and that there could be dialogue. As for the members, they are all open to that idea.

CO-CHAIR RENÉ DUSSAULT: Mr Roch, I would like to ask you something. You represent more than 4,000 provincial police officers. Are any of your members Aboriginal police officers?

JEAN-GUY ROCH: No. Unfortunately, in 1990, when the crisis happened, we had our friends from Pointe-Bleue -- we were in contact with them -- who wanted to be members of the FPQ. Of course the events made everyone stay more or less on their own side of the fence. But the FPQ includes police officers .. . everything we covered at the end of the brief, in other words, I think that it could be governed by Aboriginal police officers on their own reserves. But these police officers who would be there

would have to have more or less the same training and could be part of the FPQ; that's for sure.

CO-CHAIR RENÉ DUSSAULT: Again, you speak, and rightly so, of better preparation and training for police officers in dealing with Aboriginal reality and culture. But in addition, training for Aboriginal people as members of municipal police forces, is that something you have thought about?

JEAN-GUY ROCH: I think that in terms of municipal police officers, there is some openness. There is no one who cannot become a member of a municipal police force provided he or she receives the same training and meets the same qualifications. I think it is very important for things to be that way. We are completely open at that level, provided the training is there.

What we do not want is for them to be accepted by lowering the training. Training is tremendously important today; police officers today cannot act as they did years ago.

I think they need a great deal of dexterity, many ways of talking to people. It is particularly important that they also be able to think like many other professionals, be it a doctor, a psychologist or whatever.

So I think that in terms of police officers, we are open to that, and I do not believe anyone has ever been refused because he or she wanted to apply to a municipal force.

CO-CHAIR RENÉ DUSSAULT: Can you tell us if to your knowledge, either at the Nicolet police institute where police officers are trained or in policing courses in the Cégeps that offer the program in Quebec, there are specific components or training or program content dealing with the Aboriginal situation in Quebec?

JEAN-GUY ROCH: I know that training has been given at the Quebec police institute concerning Aboriginal police officers, but the police officers who are there or were there did not all receive the exact same training. But training is given at the training institute,

yes.

CO-CHAIR RENÉ DUSSAULT: In fact, my question pertains specifically to the training given to non-Aboriginal police officers who are your future members, whether at the Nicolet police institute or in police training courses in Cégeps. Are you familiar with the content of the training programs, and are there any components that deal with knowledge of Aboriginal cultures and the Aboriginal situation in Quebec?

JEAN-GUY ROCH: I must tell you that I myself am a member of the board of directors of the Quebec police institute. It is a new thing for union associations to be part -- it has only been two years -- of the board of directors. Since the institute became a corporation, I think it is increasingly open.

Training has been incorporated regarding all ethnic groups; the training is also being expanded and will have to be further expanded. At present, there is no specific training for all Aboriginal peoples, because there is still a difference. I think this

training has to be expanded. We have asked this not only from the police institute, but all Cégep law enforcement programs.

CO-CHAIR RENÉ DUSSAULT: What you are now telling us is that this is being done because there was a tremendous increase in awareness after the events of the summer of 1990. Basically, my question is intended to seek information: has there been any movement?

JEAN-GUY ROCH: There has been movement, but it is not complete. Where it is not being done and there is criticism is that for all the police officers who have already been trained, there is no ongoing training just to develop that phase. That is where it would be very important that, in ongoing training . . . because the police officers who take their basic courses are going to go on active duty, but it's going to be another two or three years yet before they're there, and there will not be enough of them to end up with this training. Police officers who have been there for five or ten years receive additional training; and that

we do not have at present.

CO-CHAIR RENÉ DUSSAULT: You have been on the board of directors of the institute for only a short time, of course. Is it a concern, in other words, for a federation such as yours for this type of training to be given on an ongoing basis as well as in basic training?

JEAN-GUY ROCH: It is a very large concern because it is one of the problems our members are experiencing. For example, I was talking to friends in Châteauguay recently, and they regularly work with Aboriginal people, whether it is a young person who runs away and gets caught shoplifting or simply an accident.

So I think that especially in this area, the police, for these people, it's even hard just to talk to them. So there has to be training. And these people have asked me about it; they need a great deal of training and they need it now.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I am going to ask my colleagues

if they have any questions or would like any additional information.

Ms Wilson.

COMMISSIONER BERTHA WILSON: [English]

[English]

JEAN-GUY ROCH: What I mean is that a call, whether the call is from a non-Aboriginal person or an Aboriginal person, the end result has to be that the person is treated the same; the same system of justice applies, and the person has to be treated the same way. Except the way the problem is analysed has to be different; I firmly believe that. It must be different in the sense of how you approach people.

To be sure, if we arrive

at a place where everything is broken and people are hurt, we're going to act differently. But I'm talking about a call where there could be domestic violence, where things are just getting started and there has not yet been any violence. I think at that point we have to work with why it happened.

Without question, there is always a reason, and the reason is always the same, whether the people are Aboriginal or non-Aboriginal; it can be drinking, it can be a lack of money, it can be a lot of things. Once the problem is identified, some action has to be taken as we leave the premises. The action that has to be taken may be placing someone under arrest, but it can also be understanding the people and being able to approach them in such a way that they know where we're coming from. There is work to be done. At a given point, everyone has the same rights in society.

So I say to myself that the fact I have some understanding of the traditions and customs of Aboriginal people is going to help me intervene in a specific way and that when I

leave there as a police officer, there is going to be some understanding going on, even if there were no arrests. Police intervention is often nothing more than talking to people. But I have to know how to talk. That is where training is critical.

What I meant earlier is that the judges who hand down sentences do so to the best of their ability based on the rules they have to follow, except I am convinced that it is still possible for someone who judged a case to say, "It will not do an Aboriginal person any good if I tell him he has to report to the police station three times a week." There may be a completely different way, perhaps seeing another Aboriginal person who is capable of helping him and who he relates to.

I think that maybe something needs to be done in that direction. Maybe you are already doing it. But from our perspective as police officers, we have to enforce the same

system of justice everywhere. The law says we have to do it, and we have to enforce it. But we also have to have the training we need; and we need training a great deal. Many of the police officers who have come out of Nicolet in the past 20 or 25 years have not received any other training. So we really need this training.

I don't know if that really answers your question.

COMMISSIONER BERTHA WILSON: [English]

JEAN-GUY ROCH: Thank you.

CO-CHAIR RENÉ DUSSAULT: Commissioner Chartrand.

COMMISSIONER PAUL CHARTRAND: [English]

[English]

CO-CHAIR RENÉ DUSSAULT:

Mr Roch and Mr Gagné, I would like to thank you for coming here to speak to us. This is a subject that is sure to be on the agenda for many years before a solution is found that is truly adapted to all aspects of the justice system. We are glad that we have begun this dialogue with your federation. I urge you to continue your examination and invite you to get back to us. We will be holding sessions in other parts of Quebec twice in the next nine or ten months, and we would very much like to continue the examination and discussion with you, because this is an extremely important issue both for the Commission and for the community as a whole. Thank you.

JEAN-GUY ROCH: I can assure you that Mr Gagné and I will be able to come back. Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you.

We've fallen a bit behind in our schedule, and unfortunately by the end of the afternoon we won't have the leeway we had yesterday, because we have to

be in Sept-Îles for the next two days. I would therefore like to ask the next three presenters, without intimidating any of them, to try to bear this in mind. If the presentation and discussion could be done within 20 minutes, I think that would be effective and fair to everyone.

I would like to ask the representatives of the Office of the Public Protector [ombudsman - Tr], Patrick Robardet and Frances Hudon, to come forward to make their presentation and talk to us.

Good afternoon.

FRANCES HUDON, LAWYER, DIRECTOR GENERAL, INVESTIGATIONS, OFFICE OF THE PUBLIC PROTECTOR: Good afternoon.

CO-CHAIR RENÉ DUSSAULT: Go ahead as soon as you're ready.

FRANCES HUDON: I will try to be efficient and talk quickly.

On behalf of the ombudsman, I would like to thank the Commission for its invitation. Unfortunately, Mr Jacoby could not be here today as he was called away on an

urgent matter.

I would like to begin by giving a brief overview of the ombudsman as an institution and end with two specific aspects: our institution's perception and knowledge of the Aboriginal community and its expectations of that community. We have reached a conclusion: we believe the Commission could propose the creation of a special ombudsman for the Aboriginal community in the absence of a general federal ombudsman.

In today's context, our institution is geared to listening and as a neutral, impartial party is engaged primarily in bringing people closer together in order to restore harmony in relations between governments and the people, Aboriginal and non-Aboriginal alike. We do not believe it is the ombudsman's role to rule on the various issues currently on the table, because that is not his mission.

I would like to share with you some highlights of our experience.

As you know, the ombudsman has a mandate to receive complaints

from any individual, corporation, company or association that feels its rights have been violated or feels it has been treated unfairly by a department or agency of the Government of Quebec. The ombudsman's jurisdiction covers 101 units, namely departments and agencies whose staff is appointed and paid under the *Public Service Act*. The ombudsman is an independent, neutral, autonomous person. To ensure his independence from the government, he is appointed by the National Assembly and does not report to any minister or the premier. The current ombudsman, as I mentioned earlier, is Daniel Jacoby.

Agents of the ombudsman represent the ombudsman and are empowered by him to conduct investigations of departments and agencies. Like the ombudsman, these people are independent of the executive branch and are not public servants.

Our institution has been in existence for 23 years. Its investigations are informal and quick, and its recommendations . . .

CO-CHAIR RENÉ DUSSAULT: Excuse me. What we gain in

time we lose in translation. You're going too quickly.

FRANCES HUDON: Excuse me. I'll have to slow down.

CO-CHAIR RENÉ DUSSAULT: If you don't mind, I think you should go over the main points at a speed more acceptable for the translators. Thank you.

FRANCES HUDON: Fine.

The current situation shows that Aboriginal communities in Quebec have a limited knowledge of the ombudsman and the services the institution provides. None the less, the ombudsman made a commitment in 1988 to increase communications with Aboriginal nations, despite limited budget resources.

When the mandate and activities of the ombudsman were reviewed in 1991 by the Quebec National Assembly's Committee on Institutions, the committee heard many different groups, among them the Council of the Atikamekw and Montagnais, the Grand Council of the Crees of Quebec and the Algonquin Council of West Quebec, which appeared and presented

briefs. These efforts conveyed a genuine interest on the part of the councils in the institution of the ombudsman.

In its brief of October 22, 1990, the Council of the Atikamekw stated:

> "[Translation] In other words, an institution like the ombudsman can also promote the protection of our special relationship to our ancestral land and our culture in the specific context of its mandate. Since the ombudsman's mission is to counterbalance the weight and excesses of government bureaucracy . . ."

it is probably able to help the Montagnais nation.

> "Flexible and generally effective and free recourse . . . should make it possible

to avoid committing injustices or iniquities against Aboriginal peoples or nations and at the same time avoid excessive involvement of the courts in this new area of Canadian public law . . ."

The Council also recommended that a person familiar with Aboriginal languages, cultures and rights be appointed to the new position of deputy ombudsman. The Grand Council of the Crees, meanwhile, confirmed that some Cree chiefs had learned only recently of the existence of the ombudsman and that his role was still unknown among decision makers and the Cree nation. It did note, however, that it planned to make use of the ombudsman in the future.

Finally, the Algonquin Council of West Quebec stated:

[English]

It added, however, that while it was not familiar with the institution:

[English]

We in our institution believe that there is a consensus among these Aboriginal nations on the importance of them using our services and us remaining visible in their communities.

The final report of the Committee on Institutions on the mandate and activities of the ombudsman was released on November 5, 1991. It made a number of relevant points about relations between the ombudsman and Aboriginal communities in Quebec, among them:

"[Translation] Considering the infrequent use of the

ombudsman's services by Aboriginal populations, particularly those living in remote areas, where access to government services is limited by cultural, linguistic and geographic barriers."

The report recommended that:

"[translation] . . . the ombudsman work with the Department of Communications to develop an information program aimed at specific clienteles, [namely] Aboriginal populations [. . .] and that funds be allocated for this purpose."

The ombudsman has tabled its budgets, and specific requests for funding will be submitted to Treasury Board.

We also feel that the points raised by the Aboriginal nations

concerning the provincial government are very relevant to the federal government as well and clearly indicate the need to create either a general federal ombudsman or at the very least, to begin with, a specialized ombudsman. This ombudsman would have to be parliamentary, that is, linked to the legislative branch and totally independent of the executive branch.

At the national conference of provincial ombudsmen in Halifax in September 1990, after the events at Oka, the Quebec ombudsman proposed, with the consent of ombudsmen from the other provinces, that a specific position of ombudsman or parliamentary commissioner in charge of Aboriginal issues be created at the federal level, who, because of his impartiality, would play a significant role in helping solve problems with relations between Aboriginal people and the Government of Canada. This proposal was submitted to the provincial and federal first ministers but did not receive a favourable reply.

In an effort to learn more about the causes of the lack of awareness of the

Quebec ombudsman among Aboriginal communities, the ombudsman commissioned an exploratory study of the issue by giving a mandate to its Communications Directorate. A study was carried out during the summer of 1992 by an Aboriginal person with training in communications.

The person who carried out the study met with 10 Aboriginal organizations involved in Aboriginal communities in the various regions of Quebec and submitted an oral report. The conclusion was as follows: "The need for intervention is expressed but requires extensive information and communication pertaining to the functions of the Public Protector's Office." This conclusion, in our view, is valid for the 11 nations and 50 or so Aboriginal communities in Quebec today.

In the coming months the ombudsman will be conducting a study of the terms and conditions for implementing regional ombudsman services, in keeping with the government policies of decentralization of services and the recommendations of the

Committee on Institutions. The study, which will take current budget constraints into account, will be aimed at maximizing the available resources, taking into consideration the specific features of the regions, including Aboriginal communities.

The need for intervention expressed by Aboriginal nations corresponds to a sense of not being treated fairly or equitably by government departments and agencies. Our feeling on this is that the Aboriginal perception is quite similar to that of other communities and relates directly to the very nature of the role of an ombudsman, which is to protect members of the public against government error and abuse and to have such error and abuse corrected by the parties responsible.

Surprisingly, the perception of the ombudsman among Aboriginal people is, despite the apparent lack of awareness of the institution, consistent with the very nature of the ombudsman. If they rely on the ombudsman's neutrality as a mediator between them and the Quebec government,

Aboriginal people will find that they can count on the uniqueness of the institution and its effectiveness as an intermediary and impartial arbiter of disputes or injustices that result from public "mismanagement". The approach and method used by an ombudsman tend to be in line with Aboriginal traditions and customs in that they seek to restore harmony between people and between the public and the government, or at least foster non-contentious processes.

The importance of bringing the parties to accept a solution is very much a part of Aboriginal tradition, where the notions of reconciliation and healing are in the fore, whereas the Euro-Canadian approach, as noted by Mr Justice Coutu in a ruling, is more to use conviction as a way of dissuading, rehabilitating or punishing.

The ombudsman does not look for someone to blame. Using recommendations based on an investigation, reconciliation and, if necessary, mediation, he endeavours to correct a situation with full respect for the parties involved.

The ombudsman's activities are also focused on the prevention of potentially harmful situations and the adequacy of legislation, processes, procedures and standards in this regard. These activities thus involve a form of harmony in administrative life between the public and the government. The current emphasis on the notion of service and the status of the individual as a client of government departments and agencies clearly points to a shift toward what we hope are more harmonious relations between the government and the people.

CO-CHAIR RENÉ DUSSAULT: Ms Hudon, I see there are six or seven pages remaining in your brief.

FRANCES HUDON: I'll stop there. Don't worry, I was not about to read it all to you.

CO-CHAIR RENÉ DUSSAULT: Perhaps you could quickly conclude so that we can ask a few questions.

FRANCES HUDON: OK.

What I want to say in particular about communication is that this year

we will be conducting two regional tours: one in early 1993 on the North Shore and then, if I am not mistaken -- excuse me while I find my place -- in the northwest. More specifically, we have developed our relations with various Aboriginal organizations this year, particularly with Aboriginal paralegal services, which have been our way of breaking into the community, with which we participate in annual meetings and have also handled various Aboriginal issues.

CO-CHAIR RENÉ DUSSAULT: Thank you. I think this is a very informative brief. I know the ombudsman has been the focus of parliamentary committees and that its mandate has been the focus of parliamentary committees. It is certainly interesting for us to see a bit of the presentations or excerpts from the presentations made by the Grand Council of the Crees, the Council of the Atikamekw and Montagnais and other Aboriginal organizations.

I understand what you are saying, that the ombudsman is going

to conduct informational tours in an effort to make itself better known, especially among Aboriginal people, who are in frequent contact with the government.

My question is this: Can you tell us from your statistics whether, despite a lack of knowledge or ignorance, there have been any complaints made against specific sectors of the government, be it the Department of Revenue or Justice or whatever by Aboriginal people?

FRANCES HUDON: In terms of requests for specific intervention, that is altogether impossible because the people do not indicate whether they are Aboriginal. However, many of the cases we have handled came from Aboriginal organizations.

CO-CHAIR RENÉ DUSSAULT: Complaints from organizations.

FRANCES HUDON: That's correct. I am aware of a number of Aboriginal cases dealing with specific points.

CO-CHAIR RENÉ DUSSAULT: Now, does your jurisdiction extend not only to individual complaints, but also

disputes involving an organization and the government?

FRANCES HUDON: We get complaints from individuals as well as associations, corporations and community organizations, and we intervene not only in individual cases, but also in cases that are more collective or systemic in scope.

CO-CHAIR RENÉ DUSSAULT: I see.

So again, you do not have in the ombudsman's office at present a specific section that handles complaints and cases from Aboriginal people.

FRANCES HUDON: What we had until recently, until December 1991, for two years, was a position -- a pilot project -- of Aboriginal co-ordinator. We concluded from the experiment that there was a need for a regular Aboriginal co-ordinator position, and a request to that effect was made this year.

We had submitted developmental requests in other years, but because

of some across-the-board budget constraints, no action was taken on those requests. We hope that with the support of the Committee of Institutions, our budget requests this year will be accepted, which will enable us to hire an Aboriginal co-ordinator. In addition, we are looking into the possibility of establishing regional ombudsman services in the regions and perhaps in Aboriginal communities.

CO-CHAIR RENÉ DUSSAULT: Thank you for your presentation. I recall, if memory serves me, that health facilities, hospitals and schools are not part of your jurisdiction.

FRANCES HUDON: That is correct. They are included in the requests in this year's Committee of Institutions report.

CO-CHAIR RENÉ DUSSAULT: Very good. Thank you.

Are there any questions or comments?

Ms Wilson.

COMMISSIONER BERTHA WILSON: [English]

[English]

FRANCES HUDON: Thank you.

CO-CHAIR RENÉ DUSSAULT: Commissioner Chartrand.

COMMISSIONER PAUL CHARTRAND: [English]

CO-CHAIR RENÉ DUSSAULT: Thank you, Ms Hudon and Mr Robardet, for appearing before us, and be sure to keep up your work.

FRANCES HUDON: And good luck for the remainder of your tour. [English]

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would now like to ask Paul Labrèque, president of the Association des

cadres scolaires du Québec [ACSQ, Quebec association of school officials], to come forward and make his presentation.

Good afternoon and welcome.

PAUL LABRÈQUE, PRESIDENT, ASSOCIATION DES CADRES SCOLAIRES DU QUÉBEC: Good afternoon, Mr Dussault.

Mr Dussault, I would like to introduce my colleague, Jacques Fortin, who is executive director of our association.

JACQUES FORTIN, EXECUTIVE DIRECTOR, ASSOCIATION DES CADRES SCOLAIRES DU QUÉBEC: Good afternoon.

PAUL LABRÈQUE: We are delighted to be here to express our views. I would like to begin by saying that we do not intend this afternoon to present a comprehensive analysis of the current situation. Nor do we intend to put forward a magic solution to the various educational problems of Aboriginal people. We also do not want to offer any formulas, but I say again, the document you sent us and what I am about to give you is more an examination relating to basic principles that

ought to be politically recognized.

It was with an attitude of openness and concern for tangible actions that the ACSQ responded to the invitation from the Royal Commission on Aboriginal Peoples to initiate a productive dialogue between the First Nations and the other two peoples in this country.

To begin, we agree with the frequently made statements that provincial education systems have not served Aboriginal people well, particularly in terms of their culture and identity. Our brief assumes this heavy legacy by agreeing that injustices have been committed and have to be rectified. This, in our view, is the perspective that has to be adopted if relations between Aboriginal people and the other peoples in this country are to move toward a lasting peace.

The road to peace is difficult. Indeed, it is more difficult to achieve peace than to wage war, especially since the war that Aboriginal people have had to endure was primarily one of culture and

values they were subjected to, wiping out their historical memory, denying their languages, undermining their identity. The devastating effects of this war are very familiar: suicide, unemployment, drug abuse, health problems, housing problems and so on. The peace we are looking to achieve will have to be aimed at healing not only the wounds to the body, which are easier to see, but also the wounds that lie deep in the souls of Aboriginal peoples.

To move toward peace, we need to know the principles and values on which a fair and equitable discussion can be undertaken. And to facilitate action, we have to anticipate the changes and impacts that may arise from these principles and values.

In this context, the ACSQ is engaged in its own reflection and asking its own questions. First, we are specifically questioning the meaning and scope of Aboriginal self-government, particularly in the area of education. Second, we

are questioning the necessary and inevitable links that will have to be established between education systems under Aboriginal jurisdiction and Quebec's education system. Finally, we are wondering if there are any opportunities for sharing and reciprocity that can mutually enrich the Quebec education system and those of Aboriginal people.

The right to self-government and education.

The question of Aboriginal self-government is both simple and complex. It is simple in the sense that once Aboriginal people are recognized as peoples, they immediately have the right to govern themselves and determine their future. Aboriginal self-government applies to a territory and gives the people the right to collect taxes, enact laws and sign agreements. It is complex because there are already other orders of government, land claims, interpretations to be given to agreements and treaties, and the intermingling of Aboriginal and non-Aboriginal populations to be taken into

consideration.

The ACSQ is concerned more specifically with the impact the right to self-government of Aboriginal peoples sharing or claiming a portion of Quebec will have on education. For example:

- Can self-government in education be patterned on existing models, such as those of the Cree and Kativik school boards? Are these models suitable for all Aboriginal territories, particularly in the south?

- To what extent will the education system of each Aboriginal people be able to offer good-quality, complete and integrated services at various levels of instruction? Will equity mechanisms have to be put in place? By whom?

- In a context of settlement of land claims, what would become of non-Aboriginal populations and educational institutions that were included in these new territories? Could different education systems co-exist in these territories?

The ACSQ feels that the right to self-government makes it possible to take a renewed approach to education in Aboriginal communities. Every Aboriginal people would in the future have the opportunity to determine the values, approaches, content and tools it wished to focus on in education. For example, it would be up to each people to determine the role and importance it wished to give to education in the traditional language and other languages. Further, the hiring and training of personnel, the academic calendar, building management and the nature of ties with Aboriginal political power would be among the issues to be discussed and resolved by the Aboriginal communities themselves.

However, as we just saw, this is a new type of right, and at present there are more questions about it than answers. In this respect, the ACSQ prefers a strongly political approach to the questions that will be raised by the introduction of this

new type of right in the area of Aboriginal self-government. This political approach as it relates to education should bring together representatives of Aboriginal peoples, the federal and provincial governments and school boards. The objective of this political approach would not be to negotiate the right to self-government in the area of education, but to eliminate some of the problems associated with implementation of that right.

Movement and complementarity between education systems.

The ACSQ believes that introducing a different education system for each Aboriginal people will raise many questions when, for one reason or another, Aboriginal students have to attend schools other than their own. For example:

- Will the skills acquired by these students be recognized, or will these students have to take extensive preparatory courses?

- Will these aboriginal students

be refused or placed on a waiting list because of problems with access or quotas that give priority to those who are going through the initial education system?

- To what extent will teachers, other students, programs and teaching methods be adaptable to the presence of Aboriginal students?

- How will the system minimize the often negative impact on Aboriginal students of attending school outside their home community? In some cases, aren't modern communication methods able to bring the training of Aboriginal communities closer?

The questions we put forward here are very positive ones. In our view, when our system becomes increasingly faced with this type of question, it will be a sign that the education systems controlled by Aboriginal peoples have led their students to places that offer technical or vocational specialties that they cannot provide on their own because of the relatively high cost

of such training. These specialties are tremendously important to the socio-economic development of Aboriginal communities, as Aboriginal people themselves admit, and access to them is therefore very important.

The ACSQ believes that access to initial or ongoing training programs in Quebec schools should be facilitated by official agreements with each Aboriginal people that wishes to take advantage of the opportunity. These agreements would have to be specific to each people because the situation of each Aboriginal nation and the communities it represents is very different. Some communities are spread over a huge territory, while others are very concentrated. Some have access to paying jobs in their immediate socio-economic environment, while others see their people engaged more in traditional activities. Some have a very large proportion of young people, while others have a demographic distribution closer that of Quebec as a whole. And so

on and so forth.

These agreements therefore have to be approached with very flexible parameters and criteria. The agreements also have to be developed not in an administrative framework, but a political framework. Aboriginal peoples should express their point of view on an equal basis so that the agreements meet as many of their expectations and aspirations as possible.

Sharing and reciprocity between education systems.

We could limit ourselves to facilitating the establishment of genuine education systems under Aboriginal jurisdiction and foster access to our own educational institutions when the situation requires. Even that would be a lot. The ACSQ believes we have to go even farther. Aboriginal peoples and the people of Quebec share a common ground. Like it or not, we have to live together, solve problems, exchange goods and services, and communicate as in any society. Education can and

must be a powerful tool for bringing peoples closer together.

We believe it is possible to envisage true cultural transfers between our peoples so that the benefits of one are shared by all. Despite its flaws and its history, we think the Quebec education system still has a great deal to offer Aboriginal peoples. We are thinking, for example, of the approaches used in community action, public education and literacy, developed by the adult education divisions of Quebec school boards, which could be used by Aboriginal communities in such areas as health, housing and cultural life.

We also believe that adult education should be a strategic component of Aboriginal education systems. The introduction of a new level of government and the transfer of numerous responsibilities will require new skills and new attitudes on the part of Aboriginal adults. For example, Aboriginal adults will have to

set an example for young people by themselves becoming involved in new learning contexts that combine the traditional and the contemporary.

We believe as well that Aboriginal peoples also have a great deal to teach us, such as their social structure, their relationship with nature, their medicine, their view of history. Such exchanges have existed since the beginning of French colonization. Examples that spring to mind are the growing of corn and beans and the production of maple syrup. The education system in Quebec has given too little recognition to the contribution of Aboriginal peoples. It is time to correct this situation.

The desire to solve social problems could also lead to co-ordination and dialogue between our peoples. For example, we, too, are very much concerned about the dropout rate among young people, the role senior citizens can play in our education system, the fight against drugs, the prevention of suicide among young people, and better use of forests and natural resources.

The ACSQ hopes that the Commission's work will serve as a springboard for co-operation between Aboriginal education systems and the Quebec system. We believe that there is more to be gained by learning about one another and respecting one another than by maintaining a situation that breeds isolation and ultimately leads to conflict.

We do not have a definite idea what form this co-operative model might take. However, there are already precedents among our own school boards that have established formal links with Aboriginal communities. We are thinking, for example, of the Manicouagan, Lac-Témiscamingue and Northern Quebec school boards. We urge the Commission to look at these experiments in order to explore their potential for broader application.

To conclude, the ACSQ feels that if we are to move toward peace with Aboriginal peoples, a number of principles and values have to be

affirmed. Throughout this brief we have identified these principles and values which should guide us to a meaningful dialogue: recognition of the right of Aboriginal peoples to self-government, accessibility, listening, respect, equality, openness, sharing, co-operation. We hope, however, that the Commission's proceedings will give practical scope to these principles and values. Consequences should be brought to light, impacts clarified, responsibilities specified, resources identified.

The ACSQ believes that the more explicit the principles and values, the easier it will be to initiate the process of implementing them:

- by reducing at the political level the problems associated with the implementation of a new type of right;

- by entering into official agreements on access for Aboriginal peoples to the resources of Quebec's public education system;

- by implementing co-operative projects that will foster mutual development of the education systems.

In this respect, the ACSQ plans to be a major promoter, particularly with its members and political decision makers, of new relations between Aboriginal peoples and the Quebec education system.

CO-CHAIR RENÉ DUSSAULT: Mr Labrèque, thank you for your specific and stimulating presentation. I think it is important for an organization such as yours to take part and co-operate in the debates sparked by the Commission's work on an issue as fundamental as self-government and education.

PAUL LABRÈQUE: That's right.

CO-CHAIR RENÉ DUSSAULT: I would just like to point out that probably in the early part of 1993 we will be holding a national round table on education as we did last week for justice, and one concern is sure to be the importance of education for

Aboriginal people, adults and young people alike, in schools, especially with the possible advent of self-government and Aboriginal governments.

I would hope that this is the beginning of dialogue and joint reflection on an issue that is among the Commission's priorities, obviously because of its link to self-government, but also because education is a critical factor in the self-sufficiency of Aboriginal people.

I would like to thank you for your presentation, and we will certainly come back to you and stay in touch. Thank you.

PAUL LABRÈQUE: You're welcome, Mr Dussault.

CO-CHAIR RENÉ DUSSAULT: Ms Wilson.

COMMISSIONER BERTHA WILSON: [English]

[English]

PAUL LABRÈQUE: Thank you very much.

COMMISSIONER CHARTRAND: Thank you very much. I agree with what Ms Wilson said. I would add that I really like your idea that the benefits of one become a benefit for all. That seems to be a good idea for guiding the establishment of a new relationship between Aboriginal people and others in Canada.

Again, thank you very much.

PAUL LABRÈQUE: You're welcome, sir.

CO-CHAIR RENÉ DUSSAULT: Thank you for your presentation.

PAUL LABRÈQUE: It was our pleasure.

CO-CHAIR RENÉ DUSSAULT: I would now like to ask Huguette Bouchard of the centre for Amerindian studies at the University of Quebec at Chicoutimi to come forward.

Good afternoon and welcome.

HUGUETTE BOUCHARD, CENTRE FOR AMERINDIAN STUDIES, UNIVERSITY OF QUEBEC AT CHICOUTIMI:

Thank you.

CO-CHAIR RENÉ DUSSAULT: You may proceed whenever you're ready.

HUGUETTE BOUCHARD: I would like to thank the Commission for inviting us to come and present our work. I would also like to say that this is not a brief, because I believe the invitation was sent to Claude Hamel, president of the University of Quebec, and we are here at Mr Hamel's request. What we are here to do is share with you the University of Quebec's experiment in training Amerindians over the past 20 years and the progress it has made with the various Amerindian communities in Quebec within the framework of university education.

You noted that the document I gave you is entitled "Présence amérindienne à l'Université du Québec à Chicoutimi" [Amerindian presence at the University of Quebec at Chicoutimi]. This Amerindian presence at the university goes back many years; it began in 1972 and coincided with a request from

the Confederation of Indians of Quebec under its "Amerindianizaton" program. This also coincided with a document submitted by the Assembly of First Nations entitled "La maîtrise indienne de l'éducation indienne" [Indian control of Indian education].

The request was in response to a need in a number of Amerindian communities that had teaching assistants in their schools. These assistants did a little bit of everything, especially translation, but at some point realized they needed qualifications. So, at the request of the association, the university created two programs: a certificate program in education sciences, Amerindian stream, and a certificate program in Aboriginal technolinguistics.

These two programs trained Amerindians to work and gave them 30 credits of qualification, but it was not enough. The students quickly realized that with a certificate they could not take full responsibility for a class. So they asked to continue on to a

bachelor's degree in preschool and primary education.

For some fifteen years, that was Amerindian training at the University of Quebec at Chicoutimi. In 1979, Jacques Kurtness, a doctor of psychology and professor in the Department of Human Sciences, was head of the Amerindian studies section. Unfortunately, Dr Kurtness went on two years of leave without pay last year to work with his own people, and I understand the need is great; but we found it very hard to lose him.

I'm going to go fairly quickly because I know you're very tired, too.

In 1985, co-operation was established with the Institut culturel et éducatif montagnais for training programs. The university, in co-operation with the ICEM, created five custom programs. A custom program is a program that addresses specific needs for a group of students and includes an integration activity worth three credits; one credit is given at the beginning of the

program, when the needs are analysed, and the other two are given at the end of the program for a summary. But there are still 10 credits within the program.

In 1987, the Atikamekw nation council also . . . because this teacher training was offered to all Amerindians: Atikamekw, Montagnais, Algonquins, Crees, Mohawks. It became clear that there was a need for development. So the Atikamekw nation council and the three communities of Opitciwan, Manawan and Wemotaci sat down to identify these weaknesses and determine what sort of development they wanted for their teachers, who were already in the primary schools.

The result was a program called the certificate of multidisciplinary studies, which included four compulsory courses that addressed the very pronounced weaknesses in the areas of knowledge work methodology, French and math. The next step was to establish

a wide range of electives; we have 30 or so electives in that program, and the student has to take six electives. These are in different disciplines.

This certificate also made it possible to address not only development, but also students who had reached the age of majority and had not come through the regular stream: secondary V incomplete, an incomplete or half-finished high school diploma. So we consider that certificate preparatory training for Amerindian students.

We went along for a number of years with these different programs, namely the certificate in education sciences, Amerindian stream, the bachelor's degree in preschool and primary education, the certificate in Aboriginal technolinguistics and the multidisciplinary studies certificate. On many occasions we had to go back to the table to evaluate and analyse our actions, evaluate our programs and make the necessary adjustments and corrections,

all that in structures that were the university's structures.

At one point, the Amerindian studies group was created, but that still did not lead to broader and active involvement of representatives of the various communities. The Amerindian studies module was also created, headed by Dr Kurtness.

By 1990, the needs had become even greater, and we had to sit down with all our Amerindian representatives from the various communities and try to find a structure that would allow all these Amerindian representatives to participate actively in program development and decision making. This is how the centre for Amerindian studies came to be created.

That outlines a bit what the centre does, what its mandate is. The two councils that are part of the centre, there is a management council and an academic council. The management council is sort of the counterpart of a department, but it is not a department because there are many Amerindian representatives who serve on the management council and representatives of

the university, of course. The management council oversees general administration of the centre.

There is also the academic council, which has 11 members; there are representatives of the university, Amerindian representatives from all the communities we serve, representatives of the teaching staff and also students on the academic council. The academic council is where we analyse needs and develop training programs.

The centre has existed officially since 1991 and is working very well. All our Amerindian representatives are very pleased to serve as members of the two councils, and harmony is always very much in evidence.

The clientele we serve.

We serve a clientele that includes students scattered throughout Quebec. We have Algonquins, Atikamekw, Crees, Montagnais and Naskapis. We currently have almost 400 active files at the centre. Of course, these 400 active files include about 100 students who are

full time on campus; the others are part-time students we serve in the various communities.

We also have a research component. Under the research component, we work primarily to develop teaching material: dictionaries, grammar books and anything else that can be used to support the teaching of Amerindian languages.

I've done the overview fairly quickly, but you have the document, and you may have some questions.

CO-CHAIR RENÉ DUSSAULT: Listen, we are going to make sure your brief is tabled and included in the transcript in its entirety. We thank you for making your presentation.

I think there is one question I cannot resist asking you, given the fact that we had a presentation at the beginning of the afternoon from the ICEM. I don't know if you were here during the presentation.

HUGUETTE BOUCHARD: It had already started when I arrived.

CO-CHAIR RENÉ DUSSAULT: We were told that there had been a partnership with the University of Quebec at Chicoutimi between 1985 and 1991 but that there was a breakup in 1991 for reasons we were told -- I am trying to accurately summarize what we were told -- essentially the ICEM was asking to become more involved in teaching and not in designing the programs and, to make a long story short, they found at the University of Quebec at Chicoutimi that they were taking up too much space. I may be misrepresenting what Ms Robertson, who made the presentation, had in mind.

HUGUETTE BOUCHARD: No, I was here and I think that that is exactly what she said.

CO-CHAIR RENÉ DUSSAULT: So I would perhaps like to take this opportunity while you are here to ask for your comments or your point of view.

HUGUETTE BOUCHARD: I think the co-operation the University of Quebec had with the ICEM was excellent and

I think we had to go that way. I think it was part of the progress not only of the university, but also the Amerindian communities, too, I believe.

I don't think the university thought the institut was taking up too much space. I think the university had to follow its own rules. I think there was some fault on the part of the university and the university had to re-establish its position regarding not only training programs, but also the commitment of all the instructors who teach courses, because the university did not have a right of inspection over the instructors' commitment. That's sort of it.

CO-CHAIR RENÉ DUSSAULT: I understand what you are saying, but my concern is whether the breakup didn't create a loss of contact in the Montagnais community for the University of Quebec at Chicoutimi and a step backward in terms of the objectives.

HUGUETTE BOUCHARD: Not at all. I was going to add that if the university went back to the

role it was supposed to play in Amerindian training, it was at the request of all the Amerindian organizations and education leaders in the various communities we serve.

The centre for Amerindian studies was created at their request, because they no longer wanted to have specialized programs, they called them . . . I'm using their term. They did not want custom programs any more. The education leaders who came to meet with us told the officials who were there -- the vice-rector at the time and the deans of undergraduate studies and academic management -- that they wanted their students to leave the university with diplomas and skills equal to all our students. That was why.

The centre was created in co-operation with them. There were two big meetings. All the representative were there. During the first meeting they asked lots of questions. They did not get any answers at that first meeting, and they knew it. They were given time to think. They

all went back to their respective communities. They then asked for a second meeting, which was held in Pointe-Bleue, where all our Amerindian representatives were; and it was unanimous because it was very clear that if the Amerindians did not agree the centre would not happen. So it was at their request.

CO-CHAIR RENÉ DUSSAULT: I have one final question. What type of representation is there on the management council and the academic council?

HUGUETTE BOUCHARD: On the management council, when training needs are expressed, the representatives on the council -- there are Atikamekw, Montagnais and Algonquin representatives -- express those needs. We analyse the needs with them and see if programs can be implemented to meet those needs and still provide what they want for their students. That's the management council. And there's also all the funds they receive. It's very clear, the take part.

The academic council, meanwhile, is responsible

for developing programs once the needs have been expressed in the management council.

I don't know if that's clear. I am so familiar with my work that sometimes I go too fast.

CO-CHAIR RENÉ DUSSAULT: I think your colleague has a comment.

HUGUETTE BOUCHARD: Yes. I'll let her speak.

MICHELINE BLANCHETTE, CENTRE FOR AMERINDIAN STUDIES, UNIVERSITY OF QUEBEC AT CHICOUTIMI: I would like to make it clear that co-operation with the ICEM has not been diminished or interrupted.

HUGUETTE BOUCHARD: Not at all.

MICHELINE BLANCHETTE: At present, certificates in administration and psychology are granted jointly with the consent and assistance of the ICEM, which means the joint co-operation has not been interrupted; it may have diminished to some extent, but oriented a different way, and it is still open to broader and broader co-operation. This is an important point.

HUGUETTE BOUCHARD: Yes.

CO-CHAIR RENÉ DUSSAULT: But, it is still somewhat frustrating for the Commission. We hear intervenors separately, and it would have been a good idea to have a three-way discussion with us to look at the issue in greater detail.

HUGUETTE BOUCHARD: Yes, that's true. I agree with you completely.

CO-CHAIR RENÉ DUSSAULT: So, thank you for your presentation. Thank you.

HUGUETTE BOUCHARD: I don't know if this would be of interest to you, but I have with me a complete description of the centre for Amerindian studies -- I would like to give it to you -- with the whole mandate and objectives.

CO-CHAIR RENÉ DUSSAULT: Absolutely, yes. Definitely.

HUGUETTE BOUCHARD: So I'll leave it . . .

CO-CHAIR RENÉ DUSSAULT: You'll give it to us. Thank you.

This brings us to the end of this second day of public hearings before the Royal Commission on Aboriginal Peoples in

Wendake.

Before asking that we proceed with the closing ceremony and prayer, I would like to again thank the community of Wendake for providing us with these comfortable facilities and for opening its doors to all the intervenors, all the individuals and organizations that wanted to make presentations to the Commission.

I think this was an important step in the Royal Commission's progress in this second round of public hearings. Again, this is a process of dialogue, and I think it was clear to everyone that we are perfectly willing to hear them again, when necessary, in other contexts or accept additional information.

In closing, I would like to thank once again the Commission staff who made our job so much easier: François Cadieux and Deborah Hanly, who are responsible for preparing a summary of the Commission's proceedings that is used to produce discussion papers; Roger Farley, who acted as a sort of team leader

in putting these two days together; Dan Gaspé, who is in charge of communications for the Commission; Marie Dansereau and Danielle Labonté, who were in charge of recording and tracking the briefs and the participants; Luc Lainé, our local representative for preparation of the hearings; of course, the translators, who I hope found the day a little less taxing despite the difficulty of their job and the context, which we greatly appreciate; and Heather Bastien, who acted as commissioner with us for these two rounds of public hearings.

Thank you to everyone. We'll see you again in one way or another.

I would like to ask at this time that we proceed with the closing ceremony.

(Closing prayer)

(Closing ceremony)

-- The hearing ended at 4:35 pm.